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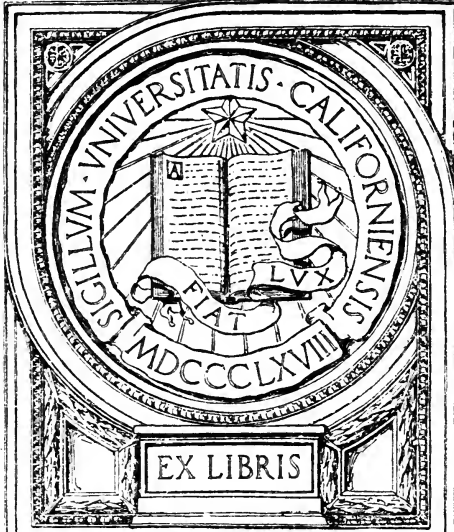


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ELECTION 1910

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STATE OF NEVADA

The Election Laws

Compiled by
W. G. DOUGLASS,
Secretary of State

Printed at the
State Printing Office, Carson City
J. G. McCarthy, Superintendent
1909

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1909



TO WHOM
ADDRESS

VOTERS, TAKE NOTICE!

Before election day read the law.

Secure a sample ballot before going to the polls.

Decide for whom you will vote before going into the booth.

Obtain your ballot from one of the Clerks of Election.

You will be allowed only ten minutes in which to prepare your ballot.

Stamp the cross X after the name for which you vote.

The cross must be made only with the stamp in black ink.

Any writing or other marking will invalidate your ballot.

Fold your ballot before leaving the booth.

See that the water-mark and number are on the outside.

Deliver your ballot, folded, with the stamp, ink and ink-pad to the Inspector, and give your name.

Only one voter can occupy a booth at one time.

A voter physically disabled may have the assistance of another elector in preparing his ballot.

Inability to read or write will not be considered a physical disability.

Drunkenness is not physical disability.

NOTE—The above are respectfully suggested as some of the instructions to be printed in the card of instructions to voters. Sections 27, 28, 29 and 30 of the Australian Ballot Law should be printed on each card.

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LAWS RELATING TO ELECTIONS

LEGAL RESIDENCE.

An Act prescribing what shall constitute actual residence within the meaning of Article II of the Constitution of the State of Nevada.

Approved March 4, 1889.

SECTION 1. The legal residence of a person, with reference to his right of suffrage and eligibility to office, is that place where his habitation is fixed and permanent, and to which, whenever he is absent, he has the intention of returning. Residence defined.

SEC. 2. No person shall be deemed to have gained or lost such a residence by reason of his presence or absence while employed in the military, naval or civil service of the United States, or of the State of Nevada; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a student at any seminary or other institution of learning; nor while kept at any almshouse, or other asylum at public expense, nor while confined in any public prison or jail. Residence gained or lost.

SEC. 3. A person removing from one county, within this State, to another, or from one precinct to another of the same county, within thirty days prior to any election, shall not be deemed to have lost his residence in the county or precinct removed from; *provided*, he was an elector in such county or precinct on the thirtieth day prior to such election. Residence not lost.

SEC. 4. If a person remove to another State, Territory or foreign country, with the intention of establishing his domicile there, and making it his home, he shall lose his residence in this State. Residence lost.

SEC. 5. If a person having a fixed and permanent home in this State, break up such home and remove to another State, Territory or foreign country, the intent to abandon his residence in this State shall be presumed, and the burden shall be upon him to prove the contrary; and the same rule shall obtain when a person, in like circumstances, and in like manner, shall remove from one county or precinct to another within the State. Burden of proof.

SEC. 6. If a man have a family residing in one place and he does business in another, the former must be considered his place of residence, unless his family be located there for temporary purposes only; but if his family reside without the State, and he be permanently located within the same, with Residence of family place of residence.

no intention of removing therefrom, he shall be deemed a resident.

Shall lose residence.

SEC. 7. If a person remove to another State, Territory or foreign country, with the intention of remaining there for an indefinite time, and as a place of present residence, he shall lose his residence in this State, notwithstanding that he may entertain the intention of returning at some uncertain future period; and an occasional return, either for business purposes or pleasure, to the place of his former abode, in this State, shall not be sufficient to preserve his residence therein.

REGISTRATION.

An Act to provide for the registration of the names of electors and to prevent frauds at elections.

Approved March 5, 1869.

Registry Agents, who are.

SECTION 1. The Justices of the Peace of the several counties of the State shall be ex officio the Registry Agents of their respective townships, and, as such, their powers and duties shall be as hereinafter provided in this Act; *provided*, that in any township where, from any cause, there shall be no Justice of the Peace duly commissioned and qualified, or where an election district may be situated too distant from the office of the Justice of the Peace of said township, the Commissioners of the county in which said election district is located may appoint some other competent person to perform the duties of Registry Agent, who shall be clothed with the same power and governed by the same restrictions as Justices of the Peace in the registration of the names of electors under the provisions of this Act. All Registry Agents shall have power to administer oaths or affirmations, and do such other acts as may be necessary to fully carry out the provisions of this Act.

May administer oaths.

County Commissioners to provide stationery for Registry Agents.

SEC. 2. The County Commissioners of the several counties shall provide for the Registry Agents, in their respective counties, when and where required, all proper and necessary books and stationery to carry out the provisions of this Act. They shall furnish to each Registry Agent a book which shall be known as the "Official Register;" which shall be ruled in columns of suitable dimensions to provide for the following entries opposite the name of each elector, to wit:

What register must show.

First—Number on the register.

Second—Date of registry.

Third—Name of elector.

Fourth—Age of elector.

Fifth—Where born.

Sixth—Last place of residence before coming to Nevada.

Seventh—First place of residence in Nevada.

Eighth—Present number of ward, or name of electoral district.

Ninth—Description of residence.

Tenth—Certificate of naturalization exhibited. *As amended, Stats. 1905, p. 190.*

SEC. 3. It shall be the duty of the Registry Agents, at any time when called on to do so, between the hours of ten a. m. and six p. m. on all legal days, from and after the first day of August, and up to and including the twentieth day of October, prior to any general election, and in the case of any special or municipal election, provided for by law, twenty days prior to closing the register (which shall close ten days prior to the day of election), to receive and register the names of all persons legally qualified and entitled to vote at such election, or who will have legally acquired a residence (being otherwise qualified) and right to vote at such ensuing election according to the provisions of law under which such election may be held, in each election district within their respective townships, entering on the official register under the proper heading, the number and date of registry, the name (with the first or given name in full, if practicable), the age and nativity of the elector, last place of residence of elector before coming to Nevada, first place of residence of elector in Nevada, together with the number of the ward or name of precinct, and a particular description of the house, building or room in which the elector resides, such as will enable the officer or person desiring to serve notice of objection to vote to find the same without difficulty; and when the person so registered shall be of foreign birth, the fact of the exhibition of or failure to exhibit his certificate of naturalization shall be noted in the column provided for that purpose, which list, properly entered, as in this section required, shall be known as the "Official Register" of elections of their respective townships; *provided*, that for ten days next preceding the day set for closing the registry before any election mentioned in this Act, said Registry Agents shall also be in attendance at their respective offices, and ready to register the names of applicants, at any time between the hours of seven and nine o'clock p. m., in addition to the hours heretofore required in this section; *and provided further*, that if any person shall fail or refuse to give his residence and the other information, with the particularity required in this section, he shall not be registered. *As amended, Stats. 1909, p. 53.*

Particular directions as to registration of voters.

SEC. 4. The Registry Agents shall cause to be published in a newspaper published in their county, or if none be so published, then in the newspaper published nearest to their county-seat, for twenty days before the expiration of the time provided for registration, prior to any general election, and for ten days before the expiration of the time provided by law for registration prior to any special or municipal election, a notice to the effect that the time for registration of the names

To publish notice.

of the qualified electors in election districts number of township number, prior to the election (specifying the election), to be held on the day of, A. D. 18....., for the county of (or city of.....) will expire at six o'clock p. m. on theday of, A. D. 18..... The publication of said notice shall continue until the expiration of the time provided for said registration; *provided*, that in remote or new and sparsely settled districts written notices posted at not less than five conspicuous places within said district may be substituted for the publication in a newspaper.

Proviso.

SEC. 5. Every person applying to be registered shall, before he shall be entitled to have his name registered, take and subscribe the following oath or affirmation, which shall be administered by the Registering Agent; *provided*, that no elector who has taken said oath at the time of his previous registration shall be required to do so the second time in the same precinct, to wit:

Voter to take oath.

Proviso.

"I do solemnly swear (or affirm) that I am a citizen of the United States, that I am of the age of twenty-one years, and will have actually and not constructively resided in this State six months, and in the county thirty days next preceding the day of the next ensuing election (or, in case of a municipal election, such length of time as may be required by the Act of incorporation), that before coming to the State of Nevada I last resided at, in the State of (designating such place of residence), that upon first coming to the State of Nevada I resided at, in said State (designating such place of residence), and that I am not registered elsewhere in this State. So help me God (or under the pains and penalties of perjury)."

Form of oath.

Whenever an oath is required by the provisions of this Act, the elector shall swear according to the form of his religious faith or belief and in such manner as may be considered most obligatory on his conscience. *As amended, Stats. 1905, p. 192.*

To swear according to religion.

SEC. 6. When any person shall appear and demand to be registered, whom the Registry Agent shall not know to be entitled to registry, under the qualifications required by law for the election then ensuing, the Registry Agent may question the applicant generally, either under oath or not, as to his qualifications as an elector, and, if satisfied, shall enter his name in the registry. But if the Registry Agent shall not be fully satisfied, or if the applicant be challenged by a qualified elector of the county, stating distinctly the grounds of challenge, the Registry Agent shall require the applicant to answer truly, under oath or affirmation, the following questions, together with such other questions as said Registry Agent may consider necessary and proper, testing his qualifications as an elector for the ensuing election, to wit:

Oath required of elector, when

First—Are you a citizen of the United States?

Second—Are you now or will you be twenty-one years of age on or prior to the day of the next ensuing election? What oath must state.

Third—On the day of the next ensuing election will you have actually and not constructively resided in this State six months, and in this county thirty days (or in this city.....days or.....months, as provided by the Act of incorporation) next preceding the day of said election?

Fourth—Are you now a resident of the election district in which you propose to be registered?

Fifth—Are you registered for this electoral year in any other election district in the name you have now given, or in any other name?

If the negative, except the fifth, or that in the affirmative, the applicant shall not be registered; but if the applicant answer all the foregoing questions in the affirmative, except the fifth, and that in the negative, and the Registry Agent shall still believe, from the answers to such further questions as he may be led by circumstances to ask, that the applicant is not a qualified elector, he shall refuse to register the name of said applicant. Registry Agent may refuse registration.

But such applicant may then apply to the District Court of his district, or the Judge thereof, for a writ of mandamus to compel the proper registration of his name in such election district; and any elector may also apply to the District Court of his district, or the Judge thereof, for a writ of mandamus. Applicant may use mandamus.

to compel the Registry Agent to erase from the registered list of electors the name of any person therein registered whom the applicant may know and be able to prove is not a qualified elector; *provided*, that said Registry Agent shall have notice and opportunity to be heard before said court, or the Judge thereof, and show cause for his refusal. Challenge, how effected.

For the purpose of deciding contested questions of registration, the District Judge of the various Judicial Districts shall hold court or sit in chambers at least one day in each county of their respective districts during the ten days immediately preceding any general election, during which days cases of contested registration shall take precedence of all other business before such Judges or courts. Duties of District Judges.

All such cases shall be decided within forty-eight hours after being submitted, and every case shall be decided before the day of election. A resident, within the meaning of this Act, shall be construed to mean a person who has resided or will have resided continuously within this State for six months, and in the precinct the time prescribed by law, next preceding the day of the next ensuing election. "Resident" construed.

The electoral year shall commence on the first day of January and end on the thirty-first day of December of each year. Whenever in the same electoral year there shall be held in any township more than one election, general, special or municipal, any person registered for any one of such elections shall be deemed registered for all subsequent elections in the same year for which the One registration holds for entire year.

residence qualification is included in or implied by the residence qualification of the previous election, and in all cases registration for a municipal election shall be deemed registration for any succeeding general election in the same year. The person so deemed registered shall be subject in all cases to be excluded from the registry by reason of the change of residence, or other causes, as provided elsewhere in this Act. *As amended, Stats. 1909, p. 54.*

Naturalized citizen, how qualified.

SEC. 7. When a naturalized citizen shall apply for registration, his certificate of naturalization must be produced and stamped or written in ink by the Registry Agent, with his name and the year and county where presented; but if it shall satisfactorily appear to the Registry Agent, by the oath or affirmation of the applicant (and the oath or affirmation of one or more credible citizens, as to the credibility of such applicant, when deemed necessary), that such certificate of naturalization is lost or destroyed, or beyond the reach of the applicant for the time being, said Registry Agent shall register the name of the applicant, unless he be by law otherwise disqualified; *provided*, that in case of failure to produce the certificate of naturalization, the Registry Agent shall propound to him the following questions: First—In what year did you come to the United States? Second—In what State, county, court and year did you declare your intention to become a citizen? Third—In what State, county, court and year were you finally admitted to citizenship? Fourth—Where did you last see your certificate of naturalization? The answers to the above questions shall be taken down in the form of an affidavit, which shall be subscribed and sworn to by the applicant and retained in possession by the Registry Agent, and by him handed over to his successor; *provided*, that no person shall be required to make the affidavit twice before the same Agent, or successor of such Agent, having in his possession a former affidavit.

Duties of Registry Agent.

Registry Agent to publish names of voters.

SEC. 8. On the day next succeeding that on which the registration of electors, prior to any election, mentioned in this Act, shall have been closed, the Registry Agents shall, with all reasonable expedition, prepare, and cause to be written or printed a full and complete list of all the names registered by them, and then remaining on the official register, for each election district, alphabetically arranged, commencing always with the surname of each; and they shall have printed or written such reasonable number of copies of each district list as in their judgment may be necessary, at least five copies of which they shall cause to be posted up in as many public and conspicuous places within the district to which they apply, and the remainder of such lists shall be distributed among the electors of the respective districts. The Registry Agents shall give notice in said lists that they will receive objections to the right to vote, on the part of any person so registered, until six o'clock p. m. on the tenth day previous to the day of election;

May be challenged ten days preceding election.

and also requesting all persons whose names may be erroneously entered in said lists to appear at his office and have such error corrected. Such objections to the right to vote shall be made only by a qualified elector in writing, setting forth the ground of the objection or disqualification, and sworn to, or affirmed to, to the best of his knowledge and belief. A copy of such written objections, with the name of the objector, together with a copy of notice, requiring the person objected to to appear before the Registry Agent at a time certain and specified therein, and answer under oath such questions as may be propounded to him by the Registry Agent touching his qualifications as an elector, shall be served on the person objected to, and such service shall be good when left at the place of residence of such person objected to, as the same shall appear in the official register, however general or indefinite may be the description of the same in said register. And no such objections shall be tried unless it shall appear by the return by an officer, or the sworn statement of an elector within the county, appended to such notice, that such objections and notice were by him duly served by copy, as in this section of this Act required. At the time specified in the notice, or at such further time as the hearing may be adjourned to, the Registry Agent, upon being satisfied from the return or affidavit that proper service of notice has been had, as in this section provided, shall proceed to examine such person (if present), under oath, touching all matters specified in such written objections, and respecting his general qualifications as an elector, and the testimony of the person making the objections, and any further evidence offered (which the Registry Agent before whom objections are made may desire to hear in relation thereto). If the Registry Agent shall be satisfied, from the answers under oath of the person objected to, or other evidence, that he is not a qualified elector, as required by law, for the next ensuing election, or if such person, so notified as hereinbefore provided and required, shall fail to appear at the time set, or shall fail to show cause for his non-appearance, it shall be the duty of the Registry Agent to erase his name from the official register; *provided*, that any person whose name may have been so erased, may apply to the District Court or the Judge thereof, as is provided in section six of this Act; *provided, further*, for a refusal of any Registry Agent to perform his duties as Registry Agent, he shall, on conviction thereof, before a court of competent jurisdiction, be punished by a fine of not less than thirty dollars nor more than one hundred dollars, or by imprisonment not less than fifteen nor more than fifty days, or by both such fine and imprisonment. All Acts and parts of Acts in conflict herewith are hereby repealed. *As amended, Stats. 1909, p. 57.*

Service,
when good.

Registry
Agent may
allow or
disallow
challenge.

Right of
recourse.

Penalty for
Registry
Agent's
neglect of
duty.

SEC. 9. During the time intervening between the closing of any registration of electors and the day of the next ensuing election, the Registry Agents shall carefully copy from the

Copies of
register to be
furnished.

official register, into suitable books, one for each election district within their respective townships, the names of all electors registered for such election district, alphabetically arranged (the surname first), entering opposite each name the number it bears on the official register, together with all other entries therein found opposite such name. The Registry Agent shall also prepare, not later than the day next preceding that on which the election is to be held, in "index books," one for each election district, and which shall be known as the "check list," lists of the names of all electors found on the official register for such election districts, alphabetically arranged (the surname first), with the number such name bears in the official register placed at the left of the name of the elector, and with a blank column at the right of the column of names, formed by two parallel perpendicular lines, in which the Inspectors of Election shall check the names of those voting, by some particular character, as for instance, thus: "V" for voted. Said blank columns last mentioned shall have written "headings" made by the Registry Agents, showing what particular election said "check lists" apply to, as for instance, "voted at general election, 1868;" or "voted at city election, 1869." The copy of the official register, together with the "check list," for each election district, as herein provided, shall be carefully prepared and duly certified to by the Registry Agent, and delivered to some one of the Inspectors of Election, in each election district, at a time not later than the day next preceding that on which such election is to be held, and such "check lists" shall be carefully preserved and transmitted by the Inspectors of Election to the Clerk of the Board of County Commissioners, in connection with and as a part of the "election returns;" as provided by law.

Index books to be made.

Check lists to be furnished.

Electors may change place of registration, how.

SEC. 10. Any registered elector, moving from one election district to another, prior to the day of the ensuing election, may apply to the Registry Agent before whom he has already been registered for that electoral year, at any time prior to the delivery of the certified copies of register to the Inspectors of Election, and have his name taken off the official register, and receive from the Registry Agent a certificate showing substantially that he was on a certified date duly registered in the official register of Township No., in the County of, and that his name has been erased at his own request; which certificate shall entitle him to have his name registered in the same manner as other names are registered, in any other election district either within the same county or any other county, for said election; *provided*, that it shall satisfactorily appear to the Registry Agent receiving the certificate, and to whom application is made for the second registration, that the applicant will have resided such length of time within such county and election district, prior to the next ensuing election, as is or may be provided by law to entitle him to vote.

SEC. 11. Before entering upon the duties prescribed in this

Act, the Registry Agents (excepting Justices of the Peace who have been duly qualified) shall severally take and subscribe before an officer duly authorized to administer oaths the following oath or affirmation, which shall be filed in the office of the County Clerk of their respective counties, to wit:

I,, Registry Agent for election districts numbers..... and....., in the County of....., and State of Nevada, do solemnly swear (or affirm) that I will perform all the duties of Registry Agent in and for said election districts according to law and the best of my ability, and that in the discharge of my duties as such Registry Agent I will honestly endeavor to prevent fraud, deceit, or any other manner of abuse of the elective franchise, so help me God (or under the pains and penalties of perjury). *As amended, Stats. 1881, p. 55.*

Oath of
Registry
Agents.

SEC. 12. The several Registry Agents shall be entitled to receive, as full compensation for all services rendered by them under the provisions of this Act (except for the collection of poll taxes) the sum of twenty-five cents for each name by them legally registered in each electoral year, which shall be a valid claim against their respective counties; and their accounts shall be made out so as to clearly show the number of names by them severally registered during the electoral year, and sworn to and filed with the Board of County Commissioners of their respective counties; and said claims, together with all other just and reasonable demands of other persons for books, advertising and printing, necessarily incurred in carrying out the requirements of this Act, shall be audited and paid out of the county funds of the several counties as other county charges; *provided*, that the expenses incurred in publishing the notices and printing the lists of electors prior to any municipal election, shall be charged against and shall be paid by the corporate authorities of the municipality holding such election.

Compensation of
Registry
Agents.

SEC. 13. Section thirteen of the Act entitled "An Act to provide for the registration of the names of electors and to prevent fraud at elections," approved March fifth, eighteen hundred and sixty-nine, is hereby repealed. *Stats. 1871, p. 132.*

See Act
of 1891.

SEC. 14. No person shall be entitled to vote at any election mentioned in this Act unless his name shall, on the day of election, appear in the "check list" furnished by the Registry Agent to the Inspector of Election of the election district at which he offers to vote; and the fact that his name so appears in the "check list," and in the copy of the official register in the possession of the Inspectors of Election, shall be prima facie evidence of his right to vote; *provided*, that when the Inspectors of Election shall have good reason to believe, or when they shall be informed by a qualified elector, that the person offering to vote is not the person who was registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name.

SEC. 15. Any person who shall vote or offer to vote, at

Fraudulent
voting a
felony.

any election mentioned in this Act, but who shall not be a qualified elector, or any person who, being a qualified elector, shall vote, or offer to vote, in the name of any other registered elector, shall be deemed guilty of a felony, and on conviction thereof before any court of competent jurisdiction, shall be punished by imprisonment in the State Prison for not less than one nor more than three years; and any person who shall wilfully cause, or endeavor to cause, his name to be registered in any other election district than that in which he resides, or will reside prior to the day of the next ensuing election; and any person who shall cause, or endeavor to cause, his name to be registered, knowing that he is not a qualified elector, or will not be a qualified elector on or before the day of the next ensuing election, in the election district in which he causes or endeavors to cause such registry to be made; and any other person who shall induce, aid or abet any such person in the commission of either of such acts in this section enumerated and described, shall be deemed guilty of a misdemeanor, and, on conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by confinement in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

Perjury, and
penalty for.

SEC. 16. All wilful, corrupt and false swearing or affirming before any Registry Agent shall be deemed perjury, and on conviction shall be punished as such. If any Registry Agent, or any other person in any manner concerned, shall wilfully and corruptly violate any of the provisions of this Act, the penalty for which is not herein specifically prescribed, he shall be punished for each and every offense whereof he shall be duly convicted, by imprisonment in the State Prison for a term not less than one year nor more than five years, or by fine of not less than one hundred nor more than one thousand dollars, or both such fine and imprisonment, in the discretion of the court.

Act of 1896
repealed.

SEC. 17. The Act entitled "An Act to provide for the registration of the names of electors, and for the ascertainment, by proper proofs, of the persons who shall be entitled to the right of suffrage," approved February twenty-fourth, eighteen hundred and sixty-six, is hereby repealed.

An Act supplemental to an Act entitled "An Act to provide for the registration of the names of electors and to prevent fraud at elections," approved March 5, 1869.

Approved February 20, 1885.

SECTION 1. Whenever any Board of County Commissioners shall deem it necessary to have printed copies of the names

upon the register of voters in any election precinct (as mentioned in section eight of the Act of which this Act is supplementary), said board shall cause said list to be printed in such manner, and for such time, in a newspaper or otherwise, as they may deem best calculated to give notice to the public of the names so registered, and shall cause copies thereof to be forthwith furnished to the Registry Agent of said precinct for posting, as required by said section eight; *provided*, that no registry list shall be printed at the charge or expense of a county, and no Board of County Commissioners shall allow, or Auditor approve, any claim therefor, in whole or in part, unless said printing shall have been done at the instance and order of said board; *and, provided further*, that in no case shall the whole amount allowed by said board, approved by the Auditor, or paid by the county for printing any registry list, exceed the sum of fifteen cents for each name upon said list and printed.

Duties of
County Com-
missioners.

An Act requiring Registry Agents to file with the County Clerks a list of the registered voters in their precincts, and requiring each County Clerk to certify the same to the Secretary of State.

Approved March 19, 1901.

SECTION 1. It shall be the duty of each and every Registry Agent, before receiving pay for his services as such, to send the County Clerk of the county wherein he is serving, a full and complete list of the registered voters in his precinct, with their ages and postoffice address.

Registry
Agents to file
complete list
of voters
with County
Clerk.

SEC. 2. It shall be the duty of each and every County Clerk throughout the State upon receiving the said list of registered voters from the different Registry Agents of the different precincts in each county, to furnish forthwith a certified copy of said registry list, containing the names and postoffice address of the said registered voters in each and every county, by precincts, to the Secretary of State, who shall upon receipt file the same in his office.

County Clerk
to forthwith
certify said
lists by
precincts to
Secretary of
State.

An Act to provide for the registration of voters in case of death or resignation of Registry Agents.

Approved March 6, 1879.

SECTION 1. It shall be the duty of the Chairman of the Board of County Commissioners of any county in this State, upon receiving notice from any responsible citizen of the death or resignation of any Registry Agent in their county after the opening and prior to the closing of the books of registration, to immediately, without giving notice, appoint some competent person to fill such vacancy.

Death of
Registry
Agent—
duties of
County Com-
missioners.

SEC. 2. It shall be the duty of such person so appointed

Must qualify.

to qualify within two days after receiving notice of such appointment.

SEC. 3. In case of the failure of such person so appointed to qualify within the time herein provided, voters may, upon producing evidence as to their right to vote, be registered at any other precinct in said county.

Legal voter,
when
considered.

SEC. 4. Any person so registered shall, upon presentation and surrender of a certificate of registration, signed by the Registry Agent of said precinct, be considered a legal voter in any precinct of said county.

SEC. 5. This Act shall not be so construed as to interfere with the right of the full Board of Commissioners to make such appointment, except in cases herein provided.

PRIMARY ELECTIONS.

An Act to provide for the direct nomination of candidates for public office by electors, political parties and organizations of electors, without conventions, at elections to be known and designated as primary elections, determining the tests and conditions upon which electors, political parties and organizations of electors may participate in any such primary election, and establishing the rates of compensation for primary election officers serving at such primary elections; providing for the organization of political parties and the promulgation of their platforms, and providing the methods whereby the electors of political parties may express their choice at such primary elections for United States Senator, to provide for the registration of voters for said primary elections and the compensation of Registry Agents, and to provide penalties for violating the provisions of this Act.

Stats. 1909, p. 273.

Words
construed.

SECTION 1. The words and phrases in this Act shall, unless such construction be inconsistent with the context, be construed as follows:

The words "Primary Election," any and every primary nominating election provided for by this Act.

The words "September Primary Election," the primary election held in September to nominate candidates to be voted for at the ensuing November election.

The word "Election," a general or city, or city and county election, as distinguished from a primary election.

The words "November Election," the Presidential election, the general State election, district, county, township, or city and county election held in November.

This statute shall be liberally construed, so that the real will of the electors shall not be defeated by any informality or failure to comply with all provisions of law in respect to either the giving of any notice or the conducting of the primary election or certifying the results thereof.

This Act liberally construed.

Sec. 2. All candidates for elective public offices shall be nominated as follows:

Nominations. how made.

1. By direct vote at primary elections held in accordance with the provisions of this Act; or

2. By nominating petitions signed and filed as provided by existing laws.

Party candidates for the office of United States Senator shall be nominated in the manner provided herein for the nomination of candidates for State offices.

United States Senator.

This Act shall not apply to special elections to fill vacancies, to the nomination of party candidates for Presidential Electors; nor to the nomination of officers of the municipalities, whose charters provide a system for nominating candidates for such offices; nor to the nomination of officers for reclamation and irrigation districts; nor to School District officers or School Trustees; nor shall it be construed as restricting or affecting the right of political parties to hold, under existing laws, which are hereby continued in force for all such purposes, primaries and conventions for the selection of delegates to national conventions.

Certain exceptions.

Sec. 3. The September primary election shall be held in each precinct on the first Tuesday in September for the nomination of all candidates to be voted for at the ensuing November election. Any primary election other than the September primary election shall be held on Tuesday three weeks next preceding the election for which such primary election is held.

September primary election.

Sec. 4. 1. At least sixty days before the time for holding such September primary election in 1910, and biennially thereafter, the Secretary of State shall prepare and transmit to each County Clerk and to the City Clerk in any city a notice in writing designating the offices for which candidates are to be nominated at such primary election.

Duties of Secretary of State.

2. Within ten days after receipt of such notice such County Clerk or City Clerk in any city shall publish so much thereof as may be applicable to his county once in each week for six successive weeks, in not more than two newspapers published in such county or city and county.

Notice to be published.

3. In the case of September primary elections for the nomination of candidates for city or city and county offices to be voted for at the November election in the odd-numbered years,

City and county primary elections.

the City Clerk or secretary of the legislative body in any such city shall cause the publication of notice of such primary election, together with a complete statement of the offices for which candidates are to be nominated, once in each week for four successive weeks in not more than two newspapers of general circulation published in such city or city and county, the last publication to be made not more than forty and not less than fourteen days before such primary election.

Other primary elections.

4. In the case of primary elections other than the September primary elections the City Clerk or secretary of the legislative body of the political subdivision for which such primary election shall be held shall cause one publication of such notice to be given, such publication and posting to be not more than forty and not less than fourteen days before such primary election.

Nomination papers.

SEC. 5. 1. The name of no candidate shall be printed on an official ballot used at any primary election unless at least thirty days prior to the primary election, if the candidate is to be voted for at the September primary election, and at least fourteen days prior to the primary election, if the candidate is to be voted for at a primary election other than the September primary election, a nomination paper shall have been filed in his behalf as hereinafter provided by this Act, in substantially the following form:

Form of nomination paper.

STATE OF NEVADA, }
County of..... } ss.

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of (the.....precinct of the Town of.....or County of.....) or (the.....precinct of the.....ward of the City of....., County of.....) or (the.....precinct of the.....election district of the City and County of.....), State of Nevada, and a member of the.....party, and I hereby nominate....., who resides at (No.....Street, City of.....) or (in the Town of.....), County of....., as a candidate for the.....nomination for the office of....., to be voted for at the primary election to be held on the.....day of....., 19....., as representing the principles of said.....party, and I further declare that I intend to support for such nomination the candidate named herein. Signed.....

Residence.....
Subscribed and sworn to before me this.....day of....., 19.....

All nominations sworn to.

2. All nomination papers shall be substantially in the above form and shall not be filed unless signed and verified before an officer authorized by the laws of the State to administer oaths, or before a special verification deputy appointed as follows:

The candidate may designate one or more special verification deputies who shall qualify by filing with the County Clerk or registrar of voters an oath or affirmation in substance, as follows:

Verification deputies.

STATE OF NEVADA, }
County of } ss.

I,, depose and say: I am a qualified elector of the County of and of the (here insert the name of city, town or precinct); that I have been designated as a special verification deputy by, who desires to be the candidate of the party for the office of (here designate the office); that I can read and write the English language, and that in obtaining signatures to the nomination papers for the persons named herein, I will faithfully observe the election laws of the State of Nevada in so far as they are applicable to the preparation, signing and filing of nomination papers.

Form of oath.

..... (Verification.) (Signature.)

3. Each signer of a nomination paper shall sign but one such paper for the same office and shall verify the same as above provided. He shall add his occupation and residence, with street number, if any, and if no street and number, or either, exists, then such a description of the place of residence, if in a city or city and county, as will enable the location to be readily ascertained; he shall also add the date of signing.

Elector to sign but one nomination paper for same office.

4. Such nomination papers prior to their filing must be fastened together and bound by precincts; *provided, however*, that for all nominations of candidates to be voted for in more than one county, or throughout the entire State, the nomination papers, properly assembled by precincts, may be consolidated and fastened or bound together by counties, but in no case shall nomination papers signed by electors of different counties be fastened or bound up together.

Papers must be bound together.

The County Clerk of any county or City Clerk of any city shall examine all nomination papers herein provided for which purport to have been signed by electors of his town or city, and shall disregard any name appearing on such paper or papers which is not on the registry list of voters for said county or city. Such officer shall affix to all nomination papers a certificate reciting that he has examined the same, and stating the number of names signed thereto which appear upon the register. All nomination papers pertaining to State Senators and Assemblymen, and to the nomination of candidates to be voted for in more than one county, shall, with such certificate attached, be forwarded, within five days after such paper or papers are left with any County Clerk for examination, to the Secretary of State, who shall receive and file the same.

County and City Clerks to examine all nomination papers.

Affidavit of candidate. The verification of signatures for nomination papers shall not be made by the candidate, but each candidate shall file with his nomination paper or papers his affidavit, stating his residence, the street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the name of his party and that of the office for which he desires to be a candidate; that he affiliated with said party at the last preceding general election, and either that he did not vote thereat or voted for a majority of the candidates of said party at said next preceding general election, and intends to so vote at the ensuing election, and that if nominated he will accept such nomination and not withdraw, and that he will qualify as such officer if nominated and elected.

Statement as to United States Senator. In the case of an elector seeking nomination for the office of State Senator or Member of the Assembly, he may include with his affidavit one of the two statements hereinafter set forth in this section and subdivision. His failure to include either such statement shall not be a valid ground for refusal to receive and file his nomination papers or paper by the Secretary of State, County Clerk or registrar of voters in any city and county as the case may be. Such statements, if any be made, shall be in substantially the following form:

Form of affidavit. I further declare to the people of Nevada, and to the people of (Senatorial or Assembly) District that during my term of office, without regard to my individual preference, I will always vote for that candidate for United States Senator in Congress who has received for that office the highest number of the people's votes for that position at the general election next preceding the election of a Senator in Congress.

..... (Signature of candidate for nomination.)

If the candidate be unwilling to sign the above statement, he may sign the following declaration, which shall be filed with his nomination paper or papers and affidavit:

Same. I further declare to the people of Nevada, and to the people of the (Senatorial or Assembly) District that during my term of office I shall consider the vote of the people at any primary election for United States Senator as nothing more than a recommendation, which I shall be at liberty wholly to disregard as I see fit.

..... (Signature of candidate for nomination.)

5. Such nomination papers shall be signed as follows:

Percentage of signatures necessary. (a) If for a State office or for United States Senator, or Representative in Congress, by at least three per centum of the voters of the party of such candidate, in this State.

State office. (b) If for any officer voted for in a district comprising more than one county and less than the entire State, by at least three per centum of the voters of his party in such district.

(c) If for any office voted for entirely within one city,

county, town or township, by at least three per centum of the party vote in such county, town, city or township.

The basis of percentage in such case shall be the vote of the party for its candidate for Presidential Elector receiving the greatest number of votes at the last preceding Presidential election. But any other political organization which had no candidate for Presidential Elector at such Presidential election, but which at such Presidential election or at the last general State election was represented on the official ballot by either regular party candidates or by individual nominees only may, upon complying with the provisions of this Act, have a separate primary election ticket as a political party, if any of its candidates or individual nominees receive three per centum of the total vote cast at such Presidential or general State election in the State or political subdivision thereof in which the candidate seeks the nomination. In such case the basis of percentage shall be the vote of that party for its candidate who received the greatest number of votes at such last preceding Presidential election or at such last preceding general State election, in the State or political subdivision thereof in which the candidate seeks the nomination.

Nothing herein shall be construed as prohibiting the independent nomination of candidates to be voted for at any general election, by electors or bodies of electors, as now provided by law, but a candidate defeated at a primary election held under the provisions of this Act shall be ineligible for nomination to the same office at the same election.

SEC. 6. All nomination papers provided for by this Act shall be filed as follows:

1. For State officers, United States Senators, Representatives in Congress, and all officers voted for in districts comprising more than one county, in the office of the Secretary of State.

2. For officers to be voted for wholly within one county, city, town or township, in the office of the County Clerk of such county.

3. For city officers, in the office of the City Clerk or secretary of the legislative body of such city or municipality.

SEC. 7. 1. A filing fee of fifty dollars shall be paid to the Secretary of State when the nomination papers or paper and affidavit for any candidate for State office, Representative in Congress or the United States Senate are filed with such Secretary of State.

2. A filing fee of twenty-five dollars shall be paid to the Secretary of State when the nomination paper or papers and affidavit of any candidate, to be voted for in any district comprising more than one county, are filed with such Secretary of State.

3. A filing fee of ten dollars shall be paid to the County

County, city or township office.

Basis of percentage.

Independent nominations, how made.

Nominations, where filed.

Fees for filing.

Same. Clerk when the nomination paper or papers and affidavit of any candidate to be voted for wholly within one county or town or township are filed with such County Clerk.

4. A filing fee of ten dollars shall be paid by the candidate for Assembly or Senate to the County Clerk of his county.

5. A filing fee of ten dollars shall be paid to the City Clerk or secretary of the legislative body of any municipality when the nomination paper or papers and affidavit of any candidate for a city office are filed with such Clerk or secretary of such legislative body.

No fee, when. 6. No filing fee shall be required from any candidate for an office to the holder of which no compensation is required to be paid.

Fees, how disposed of. SEC. 8. The County Clerk shall immediately pay to the County Treasurer all fees received from candidates. The City Clerk or secretary of the legislative body of any municipality shall immediately pay to the City Treasurer all fees received from candidates.

Immediately after the last day for filing nomination papers the Secretary of State shall pay to the State Treasurer all fees received from candidates, and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for and certify such apportionment to the State Controller, who shall issue warrants on the State Treasurer for the amount due each county and the State Treasurer shall pay the same.

All ballots, etc., paid for from public treasuries. SEC. 9. The expense of providing all ballots, blanks and other supplies to be used at any primary election provided for by this Act, and all expenses necessarily incurred in the preparation for or the conduct of such primary election, shall be paid out of the treasury of the city, town or township, county or State, as the case may be, in the same manner, with like effect and by the same officers as in the case of election.

Secretary of State to certify nominations. SEC. 10. At least twenty-five days before any September primary election preceding a November election the Secretary of State shall transmit to each County Clerk of any county a certified list containing the names and postoffice address of each person for whom nomination papers have been filed in the office of such Secretary of State and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and of the party or principle he represents.

County Clerks to publish nominations and notice of primary election. Such County Clerk shall forthwith, upon receipt thereof, publish under the proper party designation the title of each office, the names and addresses of all persons for whom nomination papers have been filed, the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the regular polling places in each precinct, which shall be particularly designated.

It shall be the duty of the County Clerk to cause such publication to be made for two successive weeks prior to said primary election.

SEC. 11. Every publication required by this Act shall be made in not more than two newspapers of general circulation published in such county or city or town or township, and one of such newspapers shall represent the political party that cast at the last preceding general election the highest number of votes in such county or city or town or township, and one of such newspapers, if any, shall represent the party which cast the next highest number of votes at such election. In any case where the publication of the notices provided for by this Act cannot be made as hereinbefore provided it shall be made in any newspaper having a general circulation in the city or county in which the notice is required to be published.

Not published in more than two papers.

SEC. 12. 1. All voting at primary elections within the meaning of this Act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct. It shall be the duty of the County Clerk of each county to provide such printed official ballots to be used at any September primary election for the nomination of candidates to be voted for in such county, town or township at the ensuing November election. It shall be the duty of the City Clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the September primary election.

Voting at primary election: separate ballot for each party.

Such official ballots to be used at any primary election shall be printed on different colored paper, each political party to have a different colored ballot, one shall be white, one blue, one pink, and such other colors as the Secretary of State may designate. The Secretary of State shall furnish the paper necessary to print said ballots, and it shall be the duty of the Secretary of State to obtain and keep on hand, a sufficient supply of such paper for ballots, and to furnish the same in quantities ordered to any County Clerk. Said paper shall be water-marked with a design furnished by the Secretary of State in such manner that the said water-mark shall be plainly discernible on the outside of such ballot when properly folded and such design shall be changed at each primary election. The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

Ballots on different colored paper for each party.

Secretary of State to furnish paper

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any Presidential or general State election shall be not less than twelve inches wide and as long as the herein prescribed captions, heading, party designations, directions to voters and lists of names of candidates, properly subdivided according to the

Size of ballot regulated.

several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one-half inches wide.

Size of
type used
regulated.

3. Across the top of the ballot shall be printed in heavy-faced Gothic capital type, not smaller than fifty-four point, the words: "Official Primary Election Ballot." Beneath this heading shall be printed in heavy-faced Gothic capital type, not smaller than thirty-point, the party designation. In the case of official primary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a Presidential or a general State election, and on which, in accordance with the provisions of this Act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official Primary Election Ballot" shall be printed thereon in heavy-faced Gothic capital type, not smaller than twenty-four point. The party designation shall be printed in heavy-faced Gothic capital type, not smaller than eighteen-point. The instructions to voters shall be printed in eight-point Roman type.

Wording of
instructions.

4. At least three-eighths of an inch below the voting precinct designation and the date of the primary election shall be printed in eight-point Roman type, double-leaded, the following instructions to voters:

"To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote."

Further
regulations
as to form
of ballot.

5. The instructions to voters shall be separated from the lists of candidates and the designations of the several offices to be nominated for by one light and one heavy line or rule. The names of the candidates and the respective officers shall, except as may be hereinafter otherwise provided, be printed on the ballot in four or more parallel columns, each two and one-half inches wide. The number of such parallel columns shall be exactly divisible by two, and such parallel columns shall be equally divided on the ballot for State and county tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a Presidential or general State election the order of precedence shall be as follows, that is to say: In the columns to the left of the solid black dividing line shall be printed the groups of names of candidates for nomination for United States Senator in Congress, if any, and Representatives in Congress, and for State and district offices. In the parallel columns to the right of the heavy black dividing line shall be printed the groups of names of candidates for nomination to county and township offices, State Senator and Members of Assembly.

In the case of primary elections for the nomination of candidates for city or municipal offices only, the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body of such city or municipality or by the Board of Election Commissioners of any such city and county.

For
municipal
officers.

6. The names of the candidates shall be grouped and made to alternate on the ballot, as provided by Section 13 of this Act, and each group shall be preceded by the designation of the office for which the candidates seek nomination and the words "Vote for One" or "Vote for Two" or more, according to the number to be nominated. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy-faced Gothic type, not smaller than eight-point. The word or words designating the office shall be printed flush with the left-hand margin, and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

Names, how
grouped, etc.

7. The names of the candidates shall be printed on the ballot, without indentation, in Gothic capital type not smaller than eight-point, between light lines or rules three-eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three-eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "State," "Congressional," "Legislative," "County and Township," or "Municipal," or other proper general classification, as the case may be, printed in heavy-faced Gothic capital type not smaller than eight-point. All official primary election ballots shall have printed on the back and immediately below the center thereof, in eighteen-point Gothic capital type the words "Official Primary Election Ballot," and beneath these words the respective counties in which each ballot is to be voted.

How names
must be
printed.

Square for
rubber
stamp.

8. At the bottom of the last column on any official primary election ballot to be voted in September for the nomination of candidates to be voted for at the ensuing November election, there shall be left one blank space defined by light lines or rules three-eighths on [of] an inch apart and which shall be preceded by the words "County Committeeman."

County Com-
mitteeman.

9. The primary election ballot shall be printed substantially in the following form:

Form of
ballot.

OFFICIAL PRIMARY ELECTION BALLOT

DEMOCRATIC PARTY—ORMSBY COUNTY

To vote for a person whose name appears on the ballot, mark a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote.

STATE AND DISTRICT		COUNTY AND TOWNSHIP					
U. S. Senator	Vote for One	Treasurer	Vote for One	State Senator	Vote for One	County Surveyor	Vote for One
GEORGE TOWNEY							
SAMUEL DUNN							
FRED JONES.....							
Rep. in Congress	Vote for One	Attorney-General	Vote for One	State Assemllymen	Vote for Three	Co. Commissioner, L. T.	Vote for One
JOHN HUNT.....							
FRANK DOE							
LEE CLARK.....							
Governor	Vote for One	Surveyor-General	Vote for One	Sheriff and Assessor	Vote for One	Co. Commissioner, S. T.	Vote for One
ALEXANDER MURPHY.....							
STEPHEN BROPHY.....							
CHRISTOPHER SMITH.....							

[And other State and District offices as above.]

[And other County and Township offices as above.]

SEC. 13. Whenever nomination papers have been duly filed for two or more persons as candidates for nomination to the same office by any political party the names of all such candidates shall be so alternated on the official ballots used in each election precinct that they shall appear thereon substantially an equal number of times at the top, the bottom, and at each intermediate place, if any, of the list of [or] group in which they belong. All officers charged with the preparation and distribution of such ballots shall cause the printer's forms to be so transposed and each block of ballots to be so made up as to carry out the intent thereof.

Regulations as to placing of names.

SEC. 14. At least twenty days before the September primary election each City Clerk or County Clerk in any city or county shall prepare separate sample ballots for each political party, placing thereon alphabetically, according to surnames, under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him, or have been certified to him by the Secretary of State, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on white paper.

Sample ballots on white paper.

Such Clerk shall forthwith submit the ticket of each political party to the chairman of the county committee of such party and shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the Secretary of State, to the postoffice address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Such Clerk or registrar of voters shall also cause such sample ballots to be published twice in not more than two newspapers of general circulation published in his county or city and county, and such publication shall be made not more than twenty days nor less than ten days before such primary election, and such Clerk shall print for general distribution one party sample ballot for each party voter in a precinct and shall distribute said sample ballots not less than ten days before such primary election.

Clerk to submit ticket to each party chairman.

Sample ballots to be published.

One for each voter.

On the tenth day before such primary election the County Clerk shall correct any errors or omissions in the ballot, cause the same to be printed as provided by Section 13 of this Act and distributed as provided by law, except that the number of party ballots to be furnished to each voting precinct shall be apportioned at the ratio of one hundred and fifty such party ballots for each one hundred voters of such party registered in such precinct.

County Clerk to correct errors in ballots.

In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the City Clerk, secretary of the legislative body of such city or municipality, or such other officer charged by law with the duty of preparing and distributing official ballots used at elections in such city or municipality, to prepare and distribute the sample and official primary election ballots, and so far as applicable

City offices.

Names of candidates to be published. and not otherwise provided herein the provisions of this Act shall apply to the nomination of all candidates for city offices; *provided*, that the lists of candidates shall be posted and published at least ten days before such primary election and the official ballot printed at least four days before the day of holding such primary election.

Hours for opening and closing polls. SEC. 15. The polls must be open at 8 o'clock of the morning of the day of primary election and must be kept open until 6 o'clock in the afternoon of the same day when the polls shall be closed; *provided, however*, if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after 6 o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of elections.

Primary election officers. SEC. 16. The officers for primary elections shall be the same as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections. It shall be the duty of the proper officers to furnish certified copies of the official register, together with the check list for election district, to one of the inspectors of election as now provided by law.

Regular election laws to govern. Registration, etc. Supplemental registers. SEC. 17. That the qualifications and regulation of voters at primary elections shall be subject to the same tests and governed by the same provisions of law and rules and regulations as are now prescribed by law for other elections and the same officers who prepare and furnish registers for general elections shall prepare and furnish them for use at primary elections, and it shall be the duty of the proper officers to furnish a certified copy of the register and supplements thereto, for use at primary elections, which said register shall show the names of all voters entitled to vote at such elections. Said register shall be made by taking the names of all voters on the register used at the last general election in the city, town or county, together with supplemental registers or additions showing all additional registrations, changes and corrections made since the last general registration. The supplemental registers to be made as follows: All persons entitled to register or vote at any primary election in any town, city or county whose names are not upon the register, or who may be entitled to transfer their registration, shall be entitled to be registered or transferred so as to enable them to vote at such primary elections, and for that purpose it shall be the duty of the officer charged with the registration of voters of such town, city or county to keep his office open for at least fifty days prior to fifteen days immediately preceding such

primary election, and to register all voters entitled to vote at such primary election.

Said Registry Agent shall be paid a reasonable sum for copying the names from one register to another, the amount to be fixed by the County Commissioners of the county; for all new names he shall be paid as now allowed by law.

Fees of
Registry
Agent.

SEC. 18. Any elector desiring to vote at any primary election on behalf of any party shall give his name and address to the Ballot Clerk, and announce the name of the political party for whose candidates he intends to vote, the Ballot Clerk shall immediately announce the same and the elector's right to vote may be challenged by any elector upon any of the grounds now allowed by law as challenge to the right to vote at a general election, and upon the further ground that the elector is not a member of the political party for whose candidates he intends to vote.

Method of
voting.

That when so challenged, his right to vote must be withheld unless he makes oath or affirmation as to his bona fide present intention to support the nominees of such political party or organization. It shall be the duty of the Inspector to tender such oath or affirmation to any voter challenged on the grounds as aforesaid. If not challenged, or if the challenge is overruled or withdrawn, the elector shall receive from the Ballot Clerk a ballot having the designation or heading of the political party demanded by the said elector.

Challenge,
how met.

He shall be instructed, if necessary, by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the Ballot Clerk and receive another.

New ballot.

SEC. 19. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it is impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, nor even though such ballot be somewhat soiled or defaced.

Method of
voting.

SEC. 20. When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only the printed designation on the back thereof shall be visible, and hand the same to a member of the board in charge of the ballot box. Such folded ballot shall be placed in the ballot box in the presence of the voter, and the name of the voter checked upon the register as having voted.

Deposit
of ballot.

SEC. 21. No adjournment or intermission whatever shall

Polls open
continuously.

take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; *provided*, that no more than one member of the board shall at any time be absent from the polling place.

Proviso.

Judges to
publicly
canvass.

SEC. 22. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed, and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by law.

The number of ballots agreeing or being made to agree with the number of names on the lists, as now provided by law, the board must take the ballots from the box, count those cast by each party, and string them separately; count all the votes cast for each party candidate for the several offices and record the same on separate tally lists for each party.

Final
canvass.

SEC. 23. The Board of County Commissioners of each county or in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the votes at any city or municipal election in such political subdivision, shall meet at the usual place at 1 o'clock in the afternoon of the first Friday after each primary election to canvass the returns.

If at the time of meeting the returns from each precinct in the county, city and county or other political subdivision in which polls were open have been received the board must then and there proceed to canvass the returns; but if all these returns have not been received the board may adjourn to 1 o'clock in the afternoon of the following Monday, when the canvass shall begin and be continued until completed, which shall not be later than 6 o'clock in the afternoon of the tenth day following such primary election.

Clerk
to record
statement
of votes.

The Clerk of the Board must, as soon as the result is declared enter upon the records of such board a statement of such results, which statement shall contain the whole number of votes cast for each candidate of each political party, and for County Committeeman, if any, and a duplicate as to each political party shall be delivered to the county, city and county, or city chairman of such political party, as the case may be.

Duplicate
statement.

The Clerk shall also make an additional duplicate statement in the same form, showing the votes cast for each candidate not voted for wholly within the limits of such county, or city and county. The County Clerk in any county shall forthwith send to the Secretary of State by registered mail one complete copy of all returns as to such candidates and as to all candidates for the State Assembly, State Senate, Representatives in Congress, and judicial offices, except Justices of the Peace.

The Clerk shall also prepare a separate statement of the names of the candidates of each political party who have received the highest number of votes for the several offices to be voted for wholly within such county, city and county or other political subdivision in which such primary election was held.

The Secretary of State shall, not later than the twenty-fifth day after any primary election, compile the returns for all candidates voted for in more than one county, and for all candidates for the Assembly, State Senate, Representatives in Congress and judicial officers, except Justices of the Peace, and shall make out and file in his office a statement thereof.

Secretary
of State to
compile
returns.

SEC. 24. The person receiving the highest number [of votes] at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of the party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election, and the elector receiving the highest number of votes of his party in his precinct for County Committeeman shall be the County Committeeman of his party for the ensuing two years.

County Com-
mitteeman.

It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county, or municipality to cause to be issued official certificates of nomination to such party candidates as have received the highest number of votes as the candidate for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality; and cause to be issued to such County Committeeman a certificate of his election.

Certificates
of nom-
ination.

It shall be the duty of the Secretary of State to issue official certificates of nomination to candidates nominated under provisions of this Act for Representatives in Congress and officers voted for in more than one county.

Same.

It shall also be the duty of the Secretary of State to compile the returns for United States Senator in Congress, if any, and prepare a statement thereof. A duplicate of such statement in so far as it shall be applicable to such party shall be transmitted to the State Chairman of each political party. And it shall be the duty of the Secretary of State to transmit duplicates of such statements to the Speaker of the Assembly and to the President of the Senate on the first day of the next ensuing session of the Legislature, together with his official certificates of nomination for the candidates for United States Senator in Congress, who received the highest number of votes cast by their respective party at the primary election.

Returns for
United
States
Senator.

SEC. 25. The County Committee of any party shall consist of one member from each voting precinct in such county, or city and county, elected at the last preceding primary election as provided in subdivision 8 of Section 12 of this Act, to hold office for the term of two years and until their successors are elected. The County Committeemen so elected

County
Committee,
how formed.

must meet at the court house at the county-seat on the second Tuesday after such primary election at the hour of 2 p. m. and then shall organize by the election of a chairman and secretary and may then and not thereafter select from among their members an executive committee.

Assembly
District
Committee.

Each party candidate nominated for the State Assembly may, not later than Tuesday, two weeks after the primary election, appoint an Assembly District Committee, which committee shall consist of not less than one member from each voting precinct in such Assembly District. Such committee, if any, shall serve for the term of two years.

State
Senatorial
Committee.

Each party candidate nominated for the State Senate may, not later than Tuesday two weeks after the primary election, appoint a State Senatorial Committee, which committee shall consist of not less than seven members in such State Senatorial District. Such committee, if any, shall serve for a term of four years.

Congressional
District
Committee.

Each party candidate nominated for Representative in Congress may, not later than Tuesday three weeks after the primary election, appoint a Congressional District Committee, which committee shall consist of not less than one nor more than three members from each county in such Congressional District. Such committee, if any, shall serve for the term of two years.

State Central
Committee.

State Central Committees shall be selected as hereinafter provided. Each such committee may select an executive committee and shall choose its officers by ballot and each committee and its officers shall have the powers usually exercised by such committees and the officers thereof in so far as may be consistent with this Act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this Act.

Platforms,
how framed
and when
promul-
gated.

SEC. 26. In the years when a Governor and other State officers are to be elected the candidates for State officers and for Senate and Assembly nominated by each political party at such primary election and State Senators of such political party whose term of office extends beyond the first Monday in January of the year next ensuing shall meet at the State Capital at 2 o'clock in the afternoon of the fourth Tuesday of September after the date on which any primary election is held preliminary to such general State election. They shall forthwith formulate the State platforms of their party, which said State platform of each political party shall be framed at such time that it shall be made public not later than 6 o'clock in the afternoon of the following Thursday.

State Central
Committee.

It shall also proceed to elect a State Central Committee, to consist of at least three members from each county, who shall hold office until a new State Central Committee shall have been selected. In years when a State Convention assembles to select delegates to a National Convention, to nominate a candidate

for President and for Vice-President of the United States, such State Convention shall have the power to formulate their party platform and to select such new State Central Committee, which shall consist of at least one member from each county, which committee shall hold and exercise its power until the candidates for State offices and for Senate and Assembly to be voted for at the next ensuing State election shall assemble and select their successors. Such State Central Committee shall meet and organize at a time and place to be designated by the body selecting such State Central Committee, and such committee may then and thereafter select an executive committee.

SEC. 27. Vacancies occurring after the holding of any primary election shall be filled by the party committee of the city, county, city and county, district or State, as the case may be.

Vacancies,
how filled.

SEC. 28. In the case of a tie vote, if for an office to be voted for wholly within one county, or city and county, the county, city and county, and City Board, as the case may be, shall forthwith summons the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the Secretary of State in the presence of the candidates.

Tie votes,
how decided.

SEC. 29. Whenever it shall be made to appear by affidavit to any Justice of the Supreme Court or Judge of the District Court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such a ballot, or that any wrongful act has been or is about to be done by any Judge or Clerk of a primary election, County Clerk, registrar of voters in any city or county, canvassing board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such Justice of the Supreme Court or Judge of the District Court shall order the officer or person charged with such error, wrong or neglect, to forthwith correct the error, desist from the wrongful act or perform the duty or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such Justice of the Supreme Court or Judge of the District Court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Errors or
omissions,
how
corrected.

SEC. 30. Any candidate at a primary election desiring to contest the nomination of another candidate for the same office may proceed by affidavit within five days after the completion of the canvass as provided in Section 29 of this Act. And the contestee shall be required by the order of such Justice of the Supreme Court or Judge of the District Court to appear and abide the further order of the court.

Contest,
procedure
for.

SEC. 31. Any person who, being in possession of any nomination paper or papers and affidavits entitled to be filed under

Penalties for
neglect to
file papers.

the provisions of this Act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

General law to govern, when.

Any act or omission declared to be an offense by the general laws of this State concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this Act, and shall be punished in the same manner and form as therein provided, and all penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply in equal force to primary elections as provided for by this Act.

Duties of Secretary of State and Attorney-General.

SEC. 32. It shall be the duty of the Secretary of State and the Attorney-General to prepare on or before August 1, 1909, all forms necessary to carry out the provisions of this Act, which forms shall be substantially followed in all primary elections held in pursuance hereof.

Repeal.

SEC. 33. All Acts or parts of Acts inconsistent with or in conflict with the provisions of this Act are hereby repealed.

In effect.

SEC. 34. This Act shall take effect and be in force from and after July 1, 1909.

GENERAL ELECTION.

An Act relating to elections.

Approved March 12, 1873.

General elections, when held.

SECTION 1. A general election shall be held in the several election precincts in this State, on the Tuesday next after the first Monday of November, one thousand eight hundred and seventy-four, and every two years thereafter, at which there shall be chosen all such officers as are by law to be elected in such year, unless otherwise provided for.

Duties of County Commissioners.

SEC. 2. It shall be the duty of the Boards of County Commissioners to establish election precincts and define the boundaries thereof, and to alter, consolidate and abolish the same as public convenience or necessity may require; *provided*, First—That no new precinct shall be established except upon the petition of ten or more qualified electors, permanently residing in the district sought to be established, showing that they reside more than ten miles from any polling place in said county, unless it shall appear to the satisfaction of said board that not less than fifty qualified electors reside in said precinct, in which event said precinct may be established without regard to the distance which said electors reside from another polling place or precinct. Second—That no election shall be held in

Precinct established, how and when.

any precinct in which there shall not be at least ten qualified electors, permanently residing therein at the time notice of holding an election therein shall be given. Third—All qualified electors residing in any election precinct in which there are less than ten qualified electors permanently residing at the time notice of holding elections are given, shall be entitled to register and vote in the election precinct having a polling place nearest their residence, by the usual traveled route. Fourth—That no election precinct shall be established or election held at any place in any precinct within one mile of another voting place in the same county, unless there shall have been polled, at said voting place, at the next preceding general election not less than fifty, votes.* It shall also be the duty of said Boards of Commissioners, at their first regular meeting in October preceding each general election (and fifteen days preceding each special election), to appoint three capable and discreet persons, possessing the qualifications of electors (who shall not all be of the same political party), to act as Inspectors of Election at each election precinct; and the Clerk of said board shall forthwith make and deliver to said Inspectors personally, notice thereof in writing, or deposit the same in the postoffice, registered, and postage prepaid, directed to the Registry Agent of the precinct for which each of said Inspectors is appointed. and it shall be the duty of said Registry Agents, within ten days after the receipt thereof, to serve the same upon each of said Inspectors of Election. *As amended, Stats. 1875, p. 59; 1885, p. 21.*

Number of voters in precinct.

Duties of County Commissioners.

SEC. 3. It shall be the duty of the Board of County Commissioners to cause their Clerks to furnish the Sheriff with poll books and all other supplies required to be provided by said board for the Inspectors and Clerks of Election, and the Clerk shall at the same time deliver to the Sheriff the ballot boxes and keys, the official ballots, the sample ballots and the printed instructions which he is required to give for the guidance of voters for obtaining and marking their ballots, and the Sheriff shall deliver said poll books, supplies, ballot boxes and keys, and said official ballots, sample ballots and printed instructions altogether to one of the Inspectors of every election precinct in the county, at least one day before the time of holding any election. *As amended, Stats. 1899, p. 107.*

Sheriff to be supplied with poll books and other supplies.

Sheriff to deliver to Inspector.

SEC. 4. The several Boards of County Commissioners shall cause their Clerks at least twenty (20) days before any general election and at least fifteen (15) days before any special election, to make out, and send by mail to the respective Registry Agents of their county, three (3) written or printed notices for the election, to be, as nearly as circumstances will admit, as follows:

Time in which County Clerks shall deliver to Registry Agents notices of election.

Notice is hereby given that on the first Tuesday, the

*See Act of March 6, 1889, limiting the number of votes in each precinct.—Stats. 1889, p. 73.

Form of notice.

day of next, at the house of
 (in city, town, district or precinct) of, in the
 County of, an election will be held for State,
 county, district, town or township officers (naming the offices
 to be filled, as the case may be), which election shall be opened
 not later than 8 o'clock a. m., and shall continue until 6 o'clock
 p. m. of the same day. Dated this day of,
 A. D.

(Signed)

A. B.,

Clerk of the Board of County Commissioners.

Notice to be posted fifteen days previous to election day.

SEC. 5. The respective Registry Agents, to whom such notice shall be delivered, shall put up in three of the most public places of each precinct the notices referring to such precincts at least fifteen days previous to the time of holding any general election, and at least eight days previous to the time of holding any special election; one of said notices to be posted at the house where the election is authorized to be held, and the others at two of the most public and suitable places in the precinct.

Special election, eight days.

Duties of Inspectors of Election.

SEC. 6. If in any precinct any of such Inspectors are unwilling to serve as Inspectors they shall notify the Board of County Commissioners thereof, within five days after the receipt of the notice of their appointment, who shall immediately appoint some suitable person to fill the vacancy and to serve at such election. A failure to notify the Board of County Commissioners of an unwillingness to serve as Inspector, as herein provided, shall subject the person to a penalty of not less than ten nor more than one hundred dollars, to be sued for and recovered by said Board of County Commissioners, for the use of the county, before any Justice of the Peace of such county. If, through any accident, sickness or inability on the day of election, of such Inspectors, or any one thereof, to serve, the Inspector or Inspectors present on the morning of the election may appoint some suitable person to fill the vacancy.

Penalty for neglect.

Duties of Inspectors of Election.

SEC. 7. The said Inspectors shall choose two persons having similar qualifications with themselves to act as Clerks of the election. The said Inspectors shall be and continue Inspectors of all elections of civil officers to be held at their respective precincts, until other Inspectors shall be appointed as hereinbefore directed; and the said Clerks of Election may continue to act as such during the pleasure of the Inspectors of Election.

Election officers to be sworn.

SEC. 8. Previous to votes being taken, the Inspectors and Clerks of Election shall, severally, take the prescribed official oath, and, in addition thereto, an oath or affirmation in the following form to wit: "I, A. B., do solemnly swear (or affirm, as the case may be) that I will perform the duties of Inspector (or Clerk, as the case may be) of the election to be held this day, according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in

any manner, in conducting the same. So help me God (or if an affirmation under the pains and penalties of perjury)."

SEC. 9. In case there shall be no Judge or Justice of the Peace present at the opening of the election, or in case such Judge or Justice shall be appointed Inspector or Clerk of the election, they are hereby empowered to administer the oath or affirmation to each other, and to the Clerks of the election, and the person administering the oath or affirmation shall cause an entry thereof to be made and subscribed by him in the poll books.

Who may administer oaths.

SEC. 10. At all elections to be held under this Act, the polls shall be open at the hour of eight o'clock in the forenoon, and continue open until six o'clock* in the afternoon of the same day, at which time the polls shall be closed, and upon opening the polls, one of the Clerks, under the direction of the Inspectors, shall make proclamation of the same, and thirty minutes before closing of the polls, proclamation shall be made in like manner that the polls will be closed in half an hour; but the board may, in their discretion, adjourn the polls for one hour at any time they may think proper during the day, before four o'clock in the afternoon, proclamation of the same being made.

Opening and closing polls.

SEC. 11. There shall be provided and kept by the County Commissioners of each county, at the expense of the county, a suitable ballot box, with a lock and key, and furnish the same to the Inspectors of each election precinct or district within their county.

Ballot boxes furnished.

SEC. 12. There shall be an opening through the lid of each box of no larger size than shall be sufficient to admit a single folded ballot. Before opening the polls, the ballot box shall be carefully examined by the Inspectors of Election, that nothing may remain therein; it shall then be locked and the key thereof delivered to one of the Inspectors, to be designated by the majority thereof, and shall not be opened during the election, except in the manner and for the purposes hereinafter mentioned.

Ballot boxes to be examined.

SEC. 13. Every elector shall, in full view, deliver to one of the Inspectors of the Election a single ballot or piece of paper, on which shall be written or printed the names of the persons voted for, with a pertinent designation of the offices to which each person so named is intended by him to be chosen. Said ballot may be opened or folded, as the voter may choose, and the said ballot shall, in color, size, form and texture, conform to the requirements set forth in the proclamation of the County Commissioners of each county; and, further, that said ballot or ticket shall be free from marks, characters or device or thing that would enable any person to distinguish by the back, or when folded, from any other legal ticket or ballot.

See Secs. 19 to 24, inclusive, Australian Ballot law.

*See Act of March 6, 1889, post.

SEC. 14. It shall be the duty of the Board of County Commissioners, at the time of issuing their election proclamation, as provided in section four of this Act, which shall be a part of the said proclamation, to designate fully the color, size, form and texture of all ballots to be used at the ensuing election. Said ballot shall be of sufficient width to allow names to be written thereon. It shall be the duty of the Inspectors of Election, at each poll, at every election, to have before them a certified copy of the register of voters of the precinct or district for which they are the Inspectors provided by law; and the Inspector to whom any ticket may be delivered shall, upon receipt thereof, pronounce with an audible voice the name of the person offering to vote, and another one of the Inspectors shall examine the certified copy of the register, and if the name of the person is found thereon, his ticket shall immediately be put in the ballot box without being inspected, if it be a folded ballot. The name of the elector shall then be checked on the certified copy of the register, and the Clerks of Election shall enter his name and number in the poll book. No person shall be permitted to vote whose name is not on the register, and who shall refuse to comply with the requirements of section thirteen of this Act. Said register shall be to said Inspectors of Election conclusive evidence of the right of the person to vote whose name appears upon the same; *provided*, that said Inspectors of Election may require any person to give true answers under oath or affirmation to all such questions as they may desire to ask touching the identity of the person with the name in or under which he may wish to vote; *provided*, that in all cases said ballots shall be printed on a good quality of white book paper.

See Act of March 13, 1891. Sections 13, 14, 18, 19, 20 and 21 of this Act, in so far as they relate to the form of ballot and manner of preparing and casting ballot, are superseded by the Act of March 13, 1891, post.

SEC. 15. At each adjournment of the polls, the Clerks shall, in the presence of the Inspectors, compare their respective poll lists, compute and set down the number of votes, and correct all mistakes that may be discovered, according to the decision of a majority of the Inspectors, until such poll lists shall be made in all respects to correspond.

SEC. 16. The ballot box shall then be opened and the poll books placed therein; and such box shall then be locked, and a covering, which shall be indorsed by one of the Inspectors, sealed or pasted over the opening in the lid of the said box so as to entirely cover the same, and the key delivered to another of the Inspectors, and the box to a third, to be designated by a majority of the Inspectors.

SEC. 17. The Inspector having the key shall keep it in his own possession, and deliver it again to the Board of Inspectors at the next opening of the polls, and the Inspector having the care of the box shall carefully keep it, without opening it or suffering it to be opened, or the seal thereof to be broken or

Obsolete.

Duties of officers of election.

See Sec. 20, Australian Ballot law.

Obsolete.

Duties of Clerks of Election.

Duties of Inspectors of Election.

Ballot box and key, how kept.

removed, and shall publicly, in that condition, deliver it to the Board of Inspectors at the next opening of the polls, when the seal shall be broken and the box opened, the poll books taken out, and the box again locked.

SEC. 18. No ticket or ballot shall on the day of election be given or delivered to, or received by, any person except the Inspector, or a Judge acting as Inspector, nor fold any ticket or unfold any ballot which he intends to use in voting, or exhibit to another in any manner by which the contents thereof may be known, or request another person to exhibit or disclose the contents of any ticket or ballot, within one hundred feet of the polling place; *provided*, that in case any elector voting an open ticket, the Inspector, or Judge acting as Inspector, may fold the same before placing it in the ballot box.

See Secs. 20 and 24, Australian Ballot law.

SEC. 19. If the names of more persons are designated on any ballot found in the ballot box, for the same office, than are to be chosen for such office, then, except in the cases provided for in the next section, all the names designated for such office must be rejected; and the fact of such rejection, and the reason therefor must, at the time for such rejection, be disposed of as provided in section twenty-six of this Act.

See Sec. 26, Australian Ballot law.

SEC. 20. When, upon a ballot being found in any ballot box, a printed name and a name written with ink or with pencil appear, and there are not so many persons to be chosen for the office, the printed name opposite the written name must be rejected and the written one counted; or when, upon a ballot found in any ballot box, a name has been erased, and another substituted therefor, in any other manner than by the use of a lead pencil or common writing ink, the substituted name must be rejected, and the name erased, if it can be ascertained from an inspection of the ballot, must be counted, and the fact thereof noted, and the said ballots disposed of as provided in section twenty-six of this Act.

See Act of March 13, 1891, post. Sections 18, 19, and 20 superseded by Act of March 13, 1891.

SEC. 21. Whenever a question arises in the board as to the legality of a ballot, or any part thereof, and the board decide in favor of the legality, such action shall be taken as in case of a rejected ballot.

Legality of ballot.

SEC. 22. Every person who makes, offers or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast, either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a misdemeanor.

Prohibitions under penalty

SEC. 23. It shall be the duty of the Board of County Commissioners of the several counties of the State at their regular meeting in October preceding any general election (and fifteen days preceding each special election) to determine the number of special Deputy Sheriffs to be appointed by the Sheriff of the

County Commissioners to determine number of Deputy Sheriffs to serve at election.

several counties to serve at each election precinct, for the purpose of preserving order and making arrests, to be paid as other fees. *As amended, March 14, 1901.*

Who may challenge.

SEC. 24. A person offering to vote may be orally challenged by any elector of the precinct, upon the ground that he is not the person entitled to vote as claimed, or has voted before on the same day, in which case the Inspector or one of the Judges shall tender him the following oath: "You do swear (or affirm) that you are the person whose name is entered upon the registry list of this precinct." In case such person refuse to take the oath so tendered, he shall not be allowed to vote, and the Clerks of the election shall write the word "Challenged" opposite the name of each person challenged upon the registry.

Oath of elector on challenge.

Vote canvassed, how.

SEC. 25. As soon as the polls of the election shall be finally closed the Inspectors shall immediately proceed to canvass the vote given at such election; and the canvass shall be public and continue without adjournment until completed.*

Vote canvassed, when.

SEC. 26. The canvass shall commence by a comparison of the poll lists from the commencement, and a correction of any mistake that may be found therein, until they shall be found to agree. The box shall then be opened and the ballots contained therein taken out and counted by the Inspectors, and opened so far as to ascertain whether each ballot is single; and if two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed; and if, on comparison of the count with the poll lists and the appearance of such ballots, a majority of the Inspectors shall be of the opinion that the ballots thus folded together were voted by one elector, they shall be rejected, and carefully sealed up in an envelope, upon which shall be written the reason of their rejection, and shall be signed by the Inspectors; and placed back in the ballot box, to be retained with the other ballots, as provided in section twenty-nine of this Act.

Ballot box, how purged.

SEC. 27. If the ballots in the box shall be found to exceed in number the whole number of votes on the poll lists, they shall be replaced in the box, after being purged as above, and one of the Inspectors, with his back turned to the box, shall publicly draw out and destroy therefrom so many ballots, unopened, as shall equal the excess.

Duties of Clerks of Election.

SEC. 28. The ballots and poll lists agreeing, or being made to agree, the board shall then proceed to count and ascertain the number of votes cast, and for whom cast, and when completed the Clerks shall set down in their poll books the name of every person voted for, written at full length, the office for which such person received such votes, and the number he did receive, the number being expressed in writing at full length, and also in figures; such entry to be made, as nearly as the circumstances will admit, in the following form, to wit:

*See Act approved March 6, 1889, post.

At an election held at the house of A. B., in the town (or precinct) of....., in the County of....., and the State of Nevada, on the.....day of....., A. D....., the following-named persons received the number of votes annexed to their respective names for the following described offices, to wit:

Certificate of election officer.

- A. B. hadvotes for Member of Congress.
- C. D. hadvotes for State Treasurer.
- E. F. hadvotes for State Controller.
- G. H. hadvotes for State Superintendent of Public Instruction.

- I. J. hadvotes for member of the State Senate.
 - K. L. hadvotes for member of the Assembly.
- (And in like manner for any other person voted for.)

Certified by us:

M. N.,
O. P.,
Q. R.,
Inspectors of Election.

Attest:

A. B.,
C. D.,
Clerks of Election.

SEC. 29. The Inspectors shall file the ballots on a string, inclose and seal the same, together with one of the tally lists, and one of the poll books, under cover, directed to the Clerk of the Board of County Commissioners of the county in which such election was held, or such other officer as is herein provided, indorsed "Election Returns"; *provided*, that if said Clerk of the Board of Commissioners, as County Clerk, or any one of the following-named county officers was voted for office at the last election, he shall not be the custodian of such election returns; but such returns shall be directed and delivered to the county officer who was not a candidate and voted for office in the following order: Second—The County Recorder. Third—The County Treasurer. Fourth—The County Assessor. Fifth—The Chairman of the Board of County Commissioners. Sixth—One of the County Commissioners. And said custodian shall comply with the provisions of section thirty of this Act. The packet thus sealed shall be conveyed by one of the Inspectors or Clerks of Election, to be determined by lot, if they cannot otherwise agree, or by some other person to be agreed upon by the Inspectors, and delivered to said Clerk of the Board of County Commissioners, or the county officer as herein provided, at his office within ten days from the close of the polls.* The poll book, tally list, certified copy of register, ballot box and ballots thus enclosed and sealed shall, after the canvass of the votes by the Board of County Commissioners, be deposited in the office of the Board of Commissioners, and preserved until the next general election. The other poll book and tally lists shall be deposited with one of the Inspectors of Election, to be determined by lot, if not otherwise determined,

Disposition of ballots after canvass.

Disposition of returns.

See Act of March 6, 1889.

Disposition of ballot box.

*See Act approved March 6, 1889, post.

Duties of
County Com-
missioners.

agreed upon, and said poll book and tally list, together with the poll book and tally list deposited with the Board of County Commissioners, shall be subject to the inspection of any elector, at any time thereafter, who may wish to examine the same; *provided, however*, that the ballots so deposited with the Board of County Commissioners shall not be subject to the inspection of any one, except in cases of contested elections, and then only by the Judge, body or board before whom such election is being contested. *As amended, Stats. 1879, p. 117; Stats. 1889, p. 67.*

County Com-
missioners
to canvass.

SEC. 30. On the tenth day (or if that day shall fall on Sunday, then on the Monday following) after the close of any election, or sooner, if all the returns be received, the Board of County Commissioners shall proceed to open said returns and make abstracts of the votes. Such abstract of votes for member or members of Congress shall be on one sheet; the abstract of votes for members of the Legislature shall be on one sheet; and the abstract of the votes for district and State officers shall be on one sheet; and the abstract of votes for county and township offices shall be on one sheet. And it shall be the duty of the Board of County Commissioners to cause a certificate of election to be made out by the respective Clerks of said Board of County Commissioners to each of the persons having the highest number of votes for members of the Legislature, district, county and township offices, respectively, and to deliver such certificate to the person entitled to it on his making application to said Clerk at his office; *provided*, that when a tie shall exist between two or more persons for the Senate or Assembly, or any other county, district or township officer, any of said persons shall have the right to demand of the Board of County Commissioners a recount of all the ballots cast for them for the office for which they were candidates; *and provided, further*, that if after said recount has been had, the vote between them or any of them shall still remain a tie, the Board of County Commissioners shall order their Clerk to give notice to the Sheriff of the county, who shall immediately advertise another election, giving at least ten days' notice. And it shall be the duty of the said Clerk of said Board of County Commissioners of said county, on receipt of the return of any general or special election, to make out his certificate of election; stating therein the compensation to which the Inspectors and Clerks of Election may be entitled by law for their services, and lay the same before the Board of Commissioners at their next session; and the said board shall order the compensation aforesaid, if correct, to be paid out of the county treasury. *As amended, February 23, 1889, p. 42.*

Tie.

Recount.

New
election,
when.

Duty of
County Com-
missioners

SEC. 31. The Board of County Commissioners, after making the abstract of votes, as provided in section thirty, shall cause their Clerk, by an order, made and entered in the minutes of their proceedings, to make a copy of said abstract,

and forthwith transmit the same to the Secretary of State at the seat of government. If the Board of County Commissioners should neglect or refuse to make the order, as required by this Act, they, and each of them, shall be guilty of a misdemeanor in office, and shall on conviction thereof, be liable to a fine of not less than one hundred dollars, or more than five hundred dollars, each, and imprisonment in the county jail for not less than ten and not more than one hundred days each, or both such fine and imprisonment, and shall be removed from office. And on the third Monday of December succeeding such election, the Chief Justice of the Supreme Court and the Associate Justices, or a majority thereof, shall meet at the office of the Secretary of State, and shall open and canvass the vote for members of Congress, district and State officers; and the Governor shall grant a certificate of election to and commission the persons having the highest number of votes, and shall also issue proclamation, declaring the election of such persons. But in case there shall be no choice, by reason of any two or more persons having an equal and the highest number of votes for the same office, the Senate and Assembly shall convene in the Assembly Chamber, on the second Monday of February, at the next regular session of the Legislature after such election, and by joint vote of both houses, elect one of said persons to fill said office; *provided*, when an election for electors of President and Vice-President of the United States take place, the vote thereof shall be canvassed at the same time and in the manner aforesaid. *As amended, February 8, 1889.*

Penalty for
malfeasance.

Canvass for
State officers

SEC. 32. No certificate shall be withheld on account of any defect or informality in the returns of any election, if it can with reasonable certainty be ascertained from such returns what office is intended, and who is entitled to such certificate; nor shall any commission be withheld by the Governor or Board of County Commissioners on account of any such defect or informality of any returns made to the office of the Secretary of State or to the Board of County Commissioners.

Informa-
tion, how
treated.

SEC. 33. If the returns of the election of any county in the State shall not be received at the office of the Secretary of State on or before said third Monday of December succeeding such election, the said Secretary may forthwith send a messenger to the Clerk of the Board of County Commissioners of such county, whose duty it shall be to furnish said messenger with a copy of such returns; and the said messenger shall be paid out of the treasury of such county the sum of thirty cents for each mile he shall necessarily travel in going to and returning from said county. Whenever it shall be necessary, in the opinion of the Board of County Commissioners, to employ a messenger to convey the returns to the seat of government, and deliver them to the Secretary of State, the person performing such service shall also be entitled to receive, as

Messengers
may be
employed,
when and
by whom.

Pay of messenger.

compensation, mileage at the rate of thirty cents per mile, computing the distance from the county-seat to the seat of government by the usual traveled route.

Duties of County Commissioners.

SEC. 34. When two or more counties are united in one Senatorial, Representative or Judicial District for the election of any officers, the Board of County Commissioners of each county shall canvass the votes, according to law, of the voters of their respective counties for said officer or officers; and the Commissioners of the county whose initial is the lowest on the alphabet shall transmit to the Commissioners of the county of the highest initial a copy of the abstract of the votes for such officer or officers, when the said last Commissioners shall make a final abstract and aggregate of said votes, and shall proceed to cause to be issued certificates of election, and otherwise to act as is provided in this and the two preceding sections.

Duties of County Clerks in transmitting returns.

SEC. 35. Whenever the returns are required to be transmitted by one Clerk of the Board of County Commissioners to the Secretary of State, it shall be the duty of such Clerk, if not otherwise directed by the Board of County Commissioners, to deliver the same to some Postmaster of the county, at the postoffice, to be transmitted by mail, taking from such Postmaster, if it can be obtained, a certificate setting forth the time when such reports were deposited in the postoffice, which certificate the Clerk shall file in his office. If the Clerk of the Board of County Commissioners should neglect or refuse to make out and transmit the returns or abstract, as required by this Act, he shall be deemed guilty of a misdemeanor in office, and, upon conviction thereof, shall be fined in any sum not less than one hundred dollars, or more than five hundred dollars, and imprisonment in the county jail for not less than one month, or more than six months, or both such fine and imprisonment, in the discretion of the court, and shall be removed from office. *As amended, Stats. 1881, p. 40.*

Per diem of Inspector and Clerk of Election.

SEC. 36. There shall be allowed out of the county treasury of such county to each Inspector and each Clerk of Election five dollars per diem, but in no case to exceed twenty dollars for all services required by law to be performed by each of them at any one election. And to the person carrying the poll books from the place of election to the Clerk's office, and to the Clerk of the Board of County Commissioners for attending at another county to canvass votes, the sum of fifteen cents per mile for going and fifteen cents per mile for returning, to be paid out of the county treasury. *As amended, March 14, 1899.*

Mileage of messenger.

Who may contest an election.

SEC. 37. Any elector of the proper county may contest the right of any person declared duly elected to an office exercised in and for such county; and, also, any elector of a township may contest the right of any person declared duly elected to any office in and for such township, for any of the following causes: First—For malconduct on the part of the Board of Inspectors, or any member thereof. Second—When the per-

son whose right to the office is contested was not at the time of election eligible to such office.

SEC. 38. When any election, held for an office exercised in and for a county, is contested on account of any malconduct on the part of the Board of Inspectors of any precinct, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct shall change the result as to such office in the remaining vote in the county.

Irregularity
of returns.

SEC. 39. When any elector shall choose to contest the right of any person declared duly elected to such office, he shall, within forty days thereafter, file with the Clerk of the District Court a written statement, setting forth specifically: First—The name of the party contesting such election, and that he is a qualified elector of the district, county or precinct (as the case may be) in which such election was held. Second—The name of the person whose right to the office is contested. Third—The office. Fourth—The particular cause or causes of such contests. Said statement shall be verified by the affidavit of the contesting party that the matters and things therein contained are true, to the best of his knowledge and belief.

Contest
instituted,
how.

SEC. 40. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were given to the person whose election is contested in the specified precinct or precincts, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office; but no testimony shall be received of illegal votes unless the party contesting such election shall deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes, and by whom given, which he intends to prove on such trial; and no testimony shall be received of any illegal votes except such as are specified in such list; *provided*, that in all cases of contested elections the District Court of the respective districts shall have original jurisdiction to try and determine all such cases, and may, by mandamus or otherwise, obtain all documentary evidence required by either of the parties litigant.

Proceedings
in contests.

District
Court to
decide.

SEC. 41. No statement of the cause of contest shall be rejected, nor the proceedings thereon dismissed, by any court before which such contest may be brought for trial, for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceedings or causes for which such election is contested.

Strict form
not essential.

SEC. 42. Upon such statement being filed, it shall be the duty of the Clerk of the District Court to inform the Judge thereof, who shall fix the time and place to hear and determine such contested election; and the Clerk shall give notice thereof, not less than ten nor more than twenty days from the

Duties of
Clerk of
District
Court.

date of such notice to the parties contesting, which said notice shall be served by the Sheriff of the county upon the respective parties, as in other cases.

Process. SEC. 43. The said Clerk shall issue subpoenas and subpoenas *duces tecum*, as in civil actions of law, for witnesses in such contested election, at the request of either party, which shall be served by the Sheriff as other subpoenas; and the District Court shall have full power to issue attachments to compel the attendance of witnesses who shall fail to attend, who shall have been duly subpoenaed.

Duties of Clerk of District Court. SEC. 44. Upon the certified copy of a judgment of the District Court, or a certified copy of the judgment of the Supreme Court, as the case may be, the Clerk of the Board of County Commissioners shall issue a certificate to the person declared to be entitled to such certificate of election.

Fees of county officers. SEC. 45. The Clerk, Sheriff and witnesses shall receive, respectively, the same fees from the party against whom the judgment is given as are allowed for similar services in the District Court.

Effect of judgment of Court. SEC. 46. Whenever an election shall be annulled and set aside by the judgment of the District Court, and no appeal has been taken therefrom within thirty days, such certificate, if any has been issued, shall thereby be rendered void and the office become vacant.

Contest to be tried, where. SEC. 47. In case of any contest in regard to any election to fill the office of District Judge, such contest shall be tried in like manner before the District Court of the district nearest adjoining thereto.

Who may bring action. SEC. 48. Any such action may be brought by the District Attorney, in the name of the State of Nevada, upon his own information or upon the complaint of any private party, against any person who unlawfully holds any public office within the State; and it shall be the duty of the District Attorney to bring such action whenever he has reason to believe that any such office is unlawfully held or exercised by any person, or when he is directed to do so by the Governor.

Duties of District Attorney. Order of Court. SEC. 49. Whenever such action is brought the District Attorney, in addition to the statement and cause of action, may also set forth in the complaint the name of the person rightly entitled to the office or franchise, with a statement of his right thereto; and in such case, upon proof by affidavit or otherwise, that the defendant has received fees or emoluments belonging to the office or franchise, by means of his usurpation thereof, an order may be granted by a Judge of the Supreme Court, or a District Judge, for the arrest of such defendant, and holding him to bail; and thereupon he may be arrested and held to bail in the same manner and with the same effect, and subject to the same rights and liabilities as in other civil actions where the defendant is subject to arrest.

SEC. 50. If the judgment be rendered upon the right of the person so alleged to be entitled in favor of such person, he

may recover, by action, the damages which he shall have sustained by reason of the usurpation of the office or franchise by the defendant. Damages may be recovered.

SEC. 51. When several persons claim to be entitled or elected to the same office one action may be brought by or against all such persons, in order to try their respective rights to such office.

CONTEST FOR MEMBERS OF THE LEGISLATURE.

SEC. 52. In case of contest for Senator or Assemblyman in any county in this State, the party contesting shall file a statement in the office of the County Clerk of the county in which such Senator or Assemblyman may be a resident, a concise statement of the grounds upon which he intends to rely, which statement shall be verified by affidavit; and it shall be the duty of the Clerk to issue a commission, directed to a Justice of the Peace of such county, to meet at such time and place as shall be specified in such commission, not less than twenty nor more than thirty days from the filing of such papers, for the purpose of taking the deposition of such witnesses as the parties to such contest may wish to examine, and notice shall be served upon the person whose right to such office is contested, by the Sheriff of the county, the same as provided for by law in like cases. Contest for member of Legislature, how conducted. Duties of County Clerk of Justice of the Peace. Sheriff to serve notice.

SEC. 53. Said Justice of the Peace shall have power at any time to issue subpoenas for witnesses at the request of either party, to be served by the Sheriff as other subpoenas; and said Justice shall have the same power to issue attachments and assess fines against witnesses as is given to Justices of the Peace in other trials instituted before him; and all testimony taken before him during such proceeding shall be in writing, and shall be certified to and forwarded by mail or express, or delivered to the Clerk of the county. Justice of the Peace empowered to issue subpoena. Other powers of said Justice. Testimony to be delivered to County Clerk.

SEC. 54. It shall be the duty of said Clerk to seal up such depositions, together with the original statement of the grounds of such contest, and a copy of the notice served upon the party whose right is contested, and the commission issued to the Justice of the Peace, and transmit the same by mail to the Secretary of State, indorsing thereon the names of the contesting parties and the branch of the Legislature before which such contest is to be tried. County Clerk to seal and deliver all papers to Secretary of State. To be indorsed.

SEC. 55. (Repealed.)

SEC. 56. It shall be the duty of the Secretary of State to deliver the same, unopened, to the presiding officer of the house in which such contest is to be tried, on or before the second day after the organization of the Legislature next after taking such depositions; and such presiding officer shall immediately give notice to said house that said papers are in his possession. Secretary of State to deliver papers.

SEC. 57. At any time after notice of any contest shall be given, and before the trial of such contested election before the proper branch of the Legislature, it may be lawful for Deposition may be taken, when and how.

either party to such contest to take depositions, to be read on the trial thereof in like manner and under the same rules as are allowed and required in cases of depositions to be read on any trial pending in the District Court; and such depositions, when thus taken, shall be sealed up by the officer taking the same and directed to the Secretary of State, who shall keep the same, unopened, and deliver them to the presiding officer of the house in which such contest is to be tried, to be disposed of by such officer as the depositions specified in the preceding section.

FOR CONTESTING THE ELECTION OF STATE OFFICERS.

Contest for
State office,
how
instituted.

SEC. 58. Any qualified elector of the State may contest the election of any person declared duly elected to any State office within this State by filing a specification of the grounds of such contest with the Clerk of the Supreme Court, which specifications shall be verified by oath or affirmation, and it is hereby made the duty of the Attorney-General to prosecute such action in the name of the people of the State, before the Supreme Court, who shall have original jurisdiction in such cases; the Justices, or either of them, shall have power to issue such process as may be necessary to the complete hearing and final determination of such action.

Penalty for
malfeasance
in office.

SEC. 59. If any person now holding or who shall hereafter hold any office in this State, who shall refuse or neglect to perform any official act in the manner and form as now prescribed by law, or who shall be guilty of any malpractice or malfeasance in office, shall be removed therefrom as herein prescribed.

Summary
proceeding
on complaint

SEC. 60. Whenever any complaint in writing, duly verified by the oath of any complainant, shall be presented to the District Court alleging that any officer within the jurisdiction of said court has been guilty of charging and collecting any illegal fees for services rendered or to be rendered in his office, or has refused or neglected to perform the official duties pertaining to his office as prescribed by law, or has been guilty of any malpractice or malfeasance in office, it shall be the duty of the court to cite the party charged to appear before him on a certain day, not more than ten nor less than five days from the time when said complaint shall be presented, and on that day, or some subsequent day not more than twenty days from that on which said complaint is presented, shall proceed to hear, in a summary manner, the complaint and evidence offered by the party complained of, and if, on such hearing, it shall appear that the charge or charges of said complaint are sustained, the Court shall enter a decree that said party complained of shall be deprived of his office, and shall enter a judgment of five hundred dollars in favor of the complainant, and such costs as are allowed in civil cases.

Officers
deposed,
how.

SEC. 61. It shall be the duty of the Clerk of the Court in which such proceedings are had, to transmit, within three

days thereafter, to the Governor of the State, or Board of County Commissioners (as the case may be) of the proper county, a copy of any decree or judgment declaring any officer deprived of any office under this Act; and it shall be the duty of the Governor or such Board of County Commissioners (as the case may be) to appoint some person to fill said office until a successor shall be selected or appointed and qualified; and it shall be the duty of the person so appointed to give such bond and security as are prescribed by law and pertaining to such office.

Duties of Clerk of Court.

SEC. 62. In case judgment of the District Court, as herein provided, shall be against the officer complained of, and an appeal taken from the judgment so rendered, the officer so appealing shall not hold the office during the pending of such appeal; but such office shall be filled as in case of a vacancy.

Officers not to hold office pending appeal.

BY CRIMINAL ACTION.

SEC. 63. An accusation, in writing, against any district, county, or township officer, for wilful misconduct in office, may be presented by the grand jury of the county, for which such officer accused is elected or appointed, which accusation shall state the offense charged, and shall be delivered by the foreman of the grand jury to the District Attorney of the county, who shall cause a copy thereof to be served upon the defendant, and require by notice, in writing, of not less than ten days, that he appear before the District Court, then sitting, or at the next term, and answer the accusation. The original accusation shall then be filed with the Clerk of the District Court.

Officers, how accused before grand jury.

Duties of District Attorney.

SEC. 64. The defendant must appear at the time appointed in the notice, and answer the accusation, unless for some sufficient cause the Court assign another day for that purpose. If he do not appear the Court may proceed to hear and determine the accusation in his absence.

Default may be taken against the accused.

SEC. 65. The defendant may answer the accusation, either by objecting to the sufficiency thereof or to any allegation therein, or by denying the truth of the same.

May defend, how.

SEC. 66. If he objects to the legal sufficiency of the accusation, the objection must be in writing, but need not be in any specific form, it being sufficient if it present intelligibly the grounds of the objection.

SEC. 67. If he denies the truth of the accusation, the denial may be oral and without oath, and shall be entered upon the minutes.

SEC. 68. If any objection to the sufficiency of the accusation be not sustained, the defendant shall be required to answer the accusation forthwith.

SEC. 69. If the defendant plead guilty, and refuse to answer the accusation, the Court shall render judgment of conviction against him. If he deny the matter charged, the Court shall immediately, or as soon thereafter as practicable, proceed to try

On plea of guilty, duties of District Court.

the accused, which trial shall be conducted in all respects and in like manner as trial upon indictment for other offenses.

Judgment
of Court.

SEC. 70. Upon a conviction, the Court shall immediately, or within five days, as it may appoint, pronounce judgment that the defendant be removed from office; but to warrant a removal, the judgment must be entered upon the minutes, assigning thereon the cause of removal.

Appeal may
be taken.

SEC. 71. From a judgment of removal an appeal may be taken to the Supreme Court, in the same manner as from a judgment in a civil action; but until such judgment be reversed the defendant shall be suspended from his office. Pending the appeal the office may be filled as in case of a vacancy.

District
Attorney,
how
prosecuted.

SEC. 72. The same proceedings may be had on like grounds for the removal of a District Attorney, except that the accusation shall be delivered to the District Judge of the district, who shall thereupon appoint some one to act as a prosecuting officer in the matter, or shall place the accusation in the hands of the District Attorney of the nearest adjoining district, and require him to conduct the proceedings.

BY IMPEACHMENT:

Proceedings
in case of im-
peachment.

SEC. 73. Where a civil officer of the State is impeached by the Assembly for misconduct in office the articles of impeachment shall be delivered to the President of the Senate, who shall cause a copy thereof with a notice to appear and answer the same, at the time and place appointed, to be served on the defendant not less than ten days before the day fixed for the hearing.

Service to be
personally.

SEC. 74. The service must be upon the defendant personally; or, if he cannot, upon diligent inquiry, be found within the State, the Senate, upon due proof of the fact, may order that publication be made in such manner as they deem proper, of a notice requiring him to appear at a specified time and place, and answer the articles of impeachment.

SEC. 75. If the defendant do not appear, the Senate, upon proof of personal service or publication, as provided in the last two preceding sections, may, of their own motion or for cause shown, assign another day for hearing the impeachment, or may then, or at any other time which they may appoint, proceed, in the absence of the defendant, to trial and judgment.

How a
defendant
may answer.

SEC. 76. When the defendant appears, he must answer to the articles of impeachment, which he may do either by objecting to the sufficiency of the same, or any article thereof, or denying the truth of the same.

Objections,
how made.

SEC. 77. If the defendant object to the sufficiency of the impeachment the objection must be in writing, but need not be in any specific form, it being sufficient if it presents intelligibly the grounds of the objection. If he deny the truth of the impeachment, the denial may be oral and without oath and shall be entered upon the journal.

SEC. 78. If he plead guilty or refuse to plead, the Senate

shall render judgment of conviction against him. If he deny the matter charged, the Senate shall, at such time as they may appoint, proceed to try the impeachment. The Chief Justice of the Supreme Court shall preside over the Senate while sitting to try the Governor or Lieutenant-Governor upon impeachment, and in all other cases the President of the Senate.

Senate may give judgment, when.
Who to preside.

SEC. 79. At the time and place appointed, before the Senate proceed to act on the impeachment, the Secretary shall administer to the President of the Senate or Chief Justice (as the case may be), and the President of the Senate or Chief Justice (as the case may be) to each of the members of the Senate then present, an oath or affirmation, truly and impartially to hear, try and determine the impeachment.

Oath administered, by whom.

SEC. 80. The judgment may be that the defendant be suspended and removed from office, or that he be removed from office and disqualified to hold and enjoy a particular office, or class of offices, or any office of honor, trust or profit under the Constitution and laws of this State.

Judgment.

SEC. 81. If judgment of suspension be given on the votes of two-thirds of the members elected to each branch of the Legislature, the defendant shall, during the continuance thereof, be disqualified from receiving the salary, fees or emoluments of the office; and the Judge, District Attorney, or any State officer complained of, shall be served with a copy of the complaint against him, and have an opportunity of being heard in person or by counsel in his defense; *provided*, that no member of either branch of the Legislature shall be eligible to fill the vacancy occasioned by such removal.

Penalties of impeachment.

SEC. 82. When articles of impeachment shall be presented against the President of the Senate such officer shall be temporarily suspended from his office, and shall not act in his official capacity until duly acquitted. Upon such suspension of any State officer whose office is created by the Constitution or laws of this State, the Governor shall immediately take charge of his office, and such office shall at once be temporarily filled by appointment by the Governor until the acquittal of the party impeached, or, in case of his removal, then until the vacancy be filled as provided by law.

Suspended from office, when.

Duties of Governor.

SEC. 83. Every person charged with the performance of any duty under the provisions of any law of this State relating to elections, who wilfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, shall be deemed guilty of a felony, and punishable by fine not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding five years, or by both such fine and imprisonment.

Penalties for violating election law.

SEC. 84. Every person who after being required by the Board of Judges at any election, refuses to be sworn, or who, after being sworn, refuses to answer any pertinent question

Misdemeanor.

Penalty. propounded by such board touching his right or the right of any other person to vote, is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

Fraud on ballot box. SEC. 85. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any election, or knowingly hands in two or more tickets folded together, or changes any ballot after the same has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add or mix with, the ballots lawfully provided, other ballots while the same are being counted or canvassed, or abstracts any ballots lawfully polled at any other time with intent to change the result of such election, or carries away or destroys, or attempts to carry away or destroy, any poll list or ballots, or ballot box, for the purpose of breaking up or invalidating such election, or wilfully detains, mutilates or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with voters lawfully exercising their right of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, shall be guilty of a felony, punishable by a fine not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding five years, or by both such fine and imprisonment.

Felony.
How punished.

Fraudulent voting. SEC. 86. Every person not entitled to vote who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, or who procures, aids, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, shall be guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment.

Penalty.

Misdemeanor to violate secrecy of ballot. SEC. 87. Every Inspector, Judge or Clerk of an election who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in, to be opened or examined previous to putting the same into the ballot box, or makes or places any mark or device on any folded ballot, with a view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such Inspectors, Judge or Clerk has fraudulently or illegally discovered to have voted for by such

See Statutes 1891, sections 28 and 30, p. 46, post.

elector, is punishable by a fine of not less than fifty nor more than five hundred dollars. Every person who forges or

counterfeits returns of an election purporting to have been held at a precinct, town or ward, when no election was in fact held, or wilfully substitutes forged or counterfeit returns of election in the place of the true returns of a precinct, town or ward where an election was actually held, is punishable by imprisonment in the State Prison for a term of not less than two nor more than ten years.

Forging returns a felony.

Penalty.

SEC. 88. Every person, who by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly, attempts to influence an elector in giving his vote, or to deter him from giving the same, or attempts by any means to awe, restrain, hinder or disturb any elector in the free exercise of the right of suffrage, or furnishes an elector wishing to vote, who cannot read, with a ticket, informing or giving such elector to understand that it contains a name written or printed thereon different from the name which is written or printed thereon, or defrauds any elector at such election by deceiving and causing such elector to vote for a different person or any office than he intended or desired to vote for, or who, being Inspector, Judge or Clerk of any election, while acting as such, induces or attempts to induce, any elector either by menace or reward, or promise thereof, to vote different from what such elector intended or desired to vote, shall be guilty of a felony, punishable by fine not exceeding one thousand dollars, or imprisonment in the State Prison not exceeding five years, or by both such fine and imprisonment.

Bribery, intimidation or menace.

Penalty.

SEC. 89. Every person who, with intent to promote the election of himself or any other person, either: First—Furnishes entertainment at his expense to any meeting of electors previous to or during an election. Second—Pays for, procures or engages to pay for any such entertainment. Third—Furnishes or engages to pay or deliver any money or property for the purpose of procuring the attendance of voters at the polls, or for the purpose of compensating any person for procuring attendance of voters at the polls, except for the conveyance of voters who are sick or infirm. Fourth—Furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and conducting public meetings, for the discussion of public questions, and of printing and circulating ballots, handbills and other papers previous to such election, shall be guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months in the county jail.

Promoters of candidates punished.

Penalty.

SEC. 90. Every person who gives or offers a bribe to any officer or member of any Legislature, caucus, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit in this State, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than another,

Bribery or attempt to bribe, a felony.

Penalty. shall be guilty of felony, punishable by a fine not exceeding five thousand dollars, or ten years imprisonment in the State Prison, or both such fine and imprisonment.

Contingent promises of appointment SEC. 91. Every person who, being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, position or employment as an inducement or consideration to any person to vote for, or procure, or aid in procuring the election of such candidate, or person not being a candidate, who communicates any offer made in violation of this and the preceding section, to any person with intent to induce him to vote for, or to procure or aid in procuring the election of the candidate, shall be deemed guilty of felony, punishable by imprisonment not exceeding five years, or a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Penalty. SEC. 92. No person shall sell, give away or furnish, or cause to be sold, given away or furnished, either for or without pay, within this State, on any day upon which any general election is held, nor within the limits of any county or city on any day upon which any special or municipal election is held therein, any spirituous, malt or fermented liquors or wines; and any one so doing shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment, in the discretion of the court; and it shall be the duty of the Judges of the District Courts of the several judicial districts in this State to specially give this Act in charge to every grand jury impaneled in their respective districts.

Sale of liquor forbidden. SEC. 93. The Governor is hereby authorized and directed, at least thirty days previous to any general election, and fifteen days previous to any special election, to issue a proclamation offering a reward of one hundred dollars for the arrest and conviction of any person violating any of the provisions of this Act when the crime is a misdemeanor, and a reward of two hundred dollars for the arrest and conviction of any person guilty of felony, as herein provided; and such rewards to be paid until the total amount hereafter expended for the purpose reaches the sum of ten thousand dollars, payable out of any moneys in the State Treasury not otherwise appropriated. And all moneys collected under the provisions of this Act shall revert to the general school fund of the several counties where such case was brought.

Duties of Governor. SEC. 94. It shall be the duty of the Secretary of State to cause to be printed in pamphlet form a requisite number of copies of this Act, with marginal notes and properly indexed, a suitable number of which shall be forwarded by him to the County Clerks of the several counties of this State at least sixty days previous to the holding of any general election, and at least twenty days previous to the holding of any

Rewards offered.

Duties of Secretary of State.

special election; and it is hereby made the duty of said County Clerks to inclose in each and every ballot box sent out by them, to be used at the various precincts of their respective counties, five or more copies of said Act, as in their judgment they may deem proper.

Duties of
County
Clerks.

SEC. 95. "An Act relating to elections, the manner of conducting and contesting the same, fraud upon the ballot box, destroying or attempting to destroy the ballot box, illegal or attempted illegal voting and misconduct at elections," approved March ninth, eighteen hundred and sixty-six, and an Act amendatory of the aforesaid Act, approved February twenty-fifth, eighteen hundred and sixty-nine; also an Act supplementary of the aforesaid Act, approved March fifth, eighteen hundred and sixty-nine, are hereby repealed.

What
repealed.

An Act providing for the closing of polls at elections in certain cases.

Approved March 6, 1889.

SECTION 1. Whenever at any election all the votes of the precinct as shown by the registry list, shall have been cast, the Inspectors shall immediately close the polls and shall forthwith begin the counting of the ballots, and continue the same without unnecessary delay until the count is completed.

Polls to
close, when.

An Act to provide for the transmission of ballots, poll books and tally lists by mail in certain cases.

Approved March 6, 1889.

SECTION 1. At every election hereafter to be held in this State, in precincts which are, by the usually traveled route, more than fifty miles distant from the county-seat, and wherein less than fifty voters shall be registered for that election, the Inspectors shall, before they adjourn, post conspicuously at the polling place a bulletin, signed by each of them, stating the number of ballots cast for each candidate and for and against each question which has been voted upon.

Duties of
Inspectors
of Election.

SEC. 2. They shall also, before they adjourn, seal the ballots in a strong envelope, writing across the back thereof the words "Ballots (here give the name) Precinct," and also sign the names thereon. They shall then place the envelope containing the ballots, together with one of the tally lists and one of the poll books, in a sealed package, the weight of which, including the wrapper or box, must be less than the limit of weight allowed to be transmitted by mail. They shall then address the same to the proper officer at the county-seat, stating in writing on the outside of the package the contents thereof, and deliver it to one of their number, to

Disposition
of ballots,
poll books
and tally
lists.

be chosen by lot, who shall immediately, without opening it or permitting it to be opened, deliver it to the nearest Postmaster and pay the postage thereon, and have the package registered.

Expenses, how paid. SEC. 3. The Inspector who delivers the package shall be paid the amount expended by him in paying the postage on the package, and fifteen cents per mile for going to and fifteen cents per mile for returning from the postoffice, in the same manner and out of the same fund as other election expenses are paid; *provided*, that no such mileage shall be paid unless the total distance necessarily traveled in going and returning be greater than two miles.

Custody of ballots. SEC. 4. In cases where this Act shall apply, the ballots shall, after they reach the county-seat, be kept in sealed packages by the proper officer, instead of in the ballot boxes.

Custody of ballot box. SEC. 5. In precincts where this Act shall apply, the ballot box may remain in the custody of the Inspectors until the next election, when it shall be turned over to the Inspectors of said election, and in such cases the tally lists, poll books and other books and papers may be sent in sealed packages by registered mail to one of the Inspectors.

An Act relating to elections.

Approved March 6, 1889.

Polling places, number of voters at. SECTION 1. The several Boards of County Commissioners in the counties of this State in providing for and proclaiming election precincts shall so arrange and divide the voting places in their respective counties so that no greater number than four hundred voters shall vote in one precinct; *provided*, that where there are registered over four hundred and less than four hundred and eighty, then one polling place shall be sufficient for said precinct.

AUSTRALIAN BALLOT LAW.

An Act relating to elections and to more fully secure the secrecy of the ballot.

Approved March 13, 1891.

Ballots, how provided. SECTION 1. All ballots cast in elections for public officers within this State shall be printed and distributed at public expense, as hereinafter provided. The printing of general tickets and cards of instruction for the electors of each county, and the delivery of the same to the election officers, as provided for in this Act, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses, and in case of separate elections for city, town or district officers, the printing and delivery

of tickets and cards of instruction shall be a charge upon the city, town or district in which said tickets and cards are to be used, the payment of which shall be provided for in the same manner as the payment of other city, county or district expenses.

Expenses of ballots, how paid.

SEC. 2. Any convention as hereinafter defined, held for the purpose of making nominations for public office, and also electors to the number hereinafter specified, may nominate candidates for public offices, to be filled by election within the State. A convention within the meaning of this Act is an organized assemblage of delegates representing a political party, which, at the last election, before the holding of such convention, polled at least three per cent of the entire vote cast in the State, county, district or other political division, for which the nomination is made.

Nominations, how made.

Convention defined.

SEC. 3. All nominations made by any such convention shall be certified as follows: The certificate of nomination, which must be in writing, shall contain the name of each person nominated, his residence and the office for which he is nominated, and shall designate the party or principle which such convention represents. It shall be signed by the Chairman and Secretary of such convention, who shall add to their signatures their respective places of residence, and make oath before an officer authorized to administer the same, that the matters stated in such certificate are true to the best of their knowledge and belief, and a certificate of the said oath shall be annexed to said certificate of nomination.

Nominations, how certified.

Certificate sworn to.

SEC. 4. A candidate for public office may be nominated otherwise than by a convention in the manner following: A certificate of nomination containing the name of the candidate to be nominated, with the other information required to be given in the certificate provided for in section three of this Act, shall be signed by electors residing within the district or political division for which candidates are to be presented equal in number to at least ten per cent of the entire vote cast at the last preceding election in the State, district or political division for which the nomination is to be made; *provided*, that such certificate shall not be valid unless signed by five voters. Said signatures need not all be appended to one paper, but each signer shall add to his signature his place of residence. One of the signers of each such certificate shall swear that the statements therein made are true, to the best of his knowledge and belief, and a certificate of such oath shall be annexed. Such certificate of nomination shall have the same effect as the certificate of nomination made by a party convention. *As amended, March 6, 1893.*

How other nominations may be made.

Independent nominations, how certified and attested.

SEC. 5. Certificates of nomination of candidates for offices to be voted for by the electors of the entire State shall be filed with the Secretary of State. Certificates of nomination of candidates for all other public offices shall be filed with

Certificates of nomination to be filed, where.

the Clerks of the respective counties wherein the officers are to be voted for, and where a district embraces more than one county, such certificate shall be filed with the Clerk of each of said counties.

Certificates of nomination to embrace what.

Who may join in making nominations.

SEC. 6. No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall join in nominating, under the provisions of section four of this Act, more than one nominee for each office to be filled, and no person who has voted in a convention, either in person or by proxy, for or against a candidate for any office, shall join in nominating, in any manner, any other nominee for that office, and no person shall accept a nomination to more than one office.

Certificate of nomination, when and where filed.

SEC. 7. Certificates of nomination required to be filed with the Secretary of State shall be filed not more than sixty days nor less than fifty days before the day of election, when the nomination is made by a convention, and not more than sixty days and not less than forty-five days before the day of election when the nomination is made under the provisions of section four of this Act. Certificates of nomination required to be filed with the County Clerks shall be filed not more than fifty days nor less than forty days before the day of election, when the nomination is made by a convention, and not more than fifty days nor less than thirty days before the day of election when the nomination is made under the provisions of section four of this Act. Should a vacancy occur, from any cause, in the list of nominees for any office, such vacancy may be filled at any time before the day of election by the convention; or by a committee to which the convention has delegated power to fill such vacancies, or by petitioners, as provided in section four of this Act. The Chairman and Secretary of such convention, or of such committee, or such petitioners, shall make out and file with the proper officer a certificate, setting forth the name of the person nominated to fill such vacancy, the office for which he is nominated, the name of the person for whom the new nominee is to be substituted, and such further information as is required to be given in an original certificate of nomination. When such certificate is filed, the officer with whom it is filed shall substitute the name of the person therein for the original nominee by printing, if practicable, or by writing the name of the person there substituted. *As amended, March 6, 1893.*

Duties of Secretary of State.

SEC. 8. Not less than thirty-five days before an election to fill any public office, the Secretary of State shall certify to the County Clerk of each county within this State the name of each person, and the name of the office for which he is nominated, as specified in the certificate of nomination filed with him. *As amended, March 6, 1893.*

Duties of County Clerks.

SEC. 9. Not less than ten days before an election to fill any public office or offices, the County Clerk shall cause to be published all the nominations certified to or filed with him. Said

nominations shall be published in a newspaper printed within the county. When no newspaper is printed within the county, the publication shall be made by posting a copy of the ballot in a public place in each election precinct within the county, one of which copies shall be posted at the court house door. When publication is made by printing in newspapers, at least two publications by such newspaper shall be required, one of which shall appear in the last regular issue of such paper before election day.

Nominations, how published.

SEC. 10. When any proposed constitution, constitutional amendment or other question is to be submitted to the popular vote, the Secretary of State shall, within ninety days before the election at which such constitution, constitutional amendment or question is to be voted upon, certify the same to each County Clerk of this State, sending to each of said Clerks enough copies of such constitution, constitutional amendments or other questions to supply each Inspector of Election and enough additional copies to carry out the provisions of this Act. And it is hereby made the duty of the County Clerks of each county to have posted, ten days before the election, in each election precinct, three copies of said constitution, constitutional amendments or other questions to be voted on, one of which copies shall be posted at the place of holding the polls. If there is a newspaper published in the county, the County Clerk shall cause to be published said constitution, constitutional amendment or other questions therein three times; one publication thereof shall be at least thirty days before election; another not less than twenty days, and the other not more than ten days before said election. Any Secretary of State or County Clerk of this State who shall fail to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not less than \$100, nor more than \$500. *As amended, March 17, 1903.*

Secretary of State to certify constitutional amendment to County Clerks.

County Clerk to publish notice, when and how.

Misdemeanor. Punishment.

SEC. 11. It shall be the duty of the County Clerk to provide printed ballots for every election for public offices, in which any voters within the county participate, and to cause to be printed in the ballot prescribed herein, the name of each and every candidate whose name has been certified to, or filed with him, as provided in this Act. Ballots, other than those printed, as provided in this Act, shall not be cast, or counted, in any election. All ballots shall be printed on tinted paper, furnished by the Secretary of State. It shall be the duty of the Secretary of State to obtain and keep on hand a sufficient supply of such paper for ballots, and to furnish the same in quantities ordered to any County Clerk. Said paper shall be watermarked with a design furnished by the Secretary of State, in such manner that the said watermark shall be plainly discernible on the outside of such ballot when properly folded. Such design shall be changed for each general election, and the same design shall not be

Duties of County Clerk in relation to ballots.

Duties of Secretary of State in relation to ballots.

Ballot paper described.

Use of design on ballot paper.

used again at any general election within the space of eight years, but at any special or separate local election paper marked with the design used at any previous election may be used.

Ballot, how printed, numbered and ruled.

SEC. 12. On each ballot a perforated line shall extend from top to bottom, one-half inch from the right-hand side of such ballot, and upon the half-inch strip thus formed there shall be no writing or printing, except the number of the ballot, which shall be upon the back of the strip in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. Where the names of candidates are printed in separate columns, the columns shall be separated by heavy rules, and on all ballots the names of candidates shall be separated by a rule extending to the extreme right of the column. All ballots shall contain the name of each and every candidate whose nomination for any office specified in the ballot has been certified to and filed according to the provisions of this Act, and no other name. The names of the candidates for each office shall be arranged under the designation of the office in alphabetical order, according to the surname, except that the name of candidates for Presidential Electors shall be arranged in groups as presented in the several certificates of nomination, and the names of the candidates for President and Vice-President shall precede the proper groups of Presidential Electors; the political designation of each candidate shall be printed opposite his name. There shall be left at the end of the list of candidates for each office one blank space to be used when substituting names to fill vacancies. There shall be a margin at the right-hand side of the names at least one-half inch wide, so that the voter may clearly indicate in the way hereinafter described the candidate or candidates for whom he wishes to vote. Whenever any question is to be submitted to the vote of the people, it shall be printed upon the ballot in such manner as to enable the electors to vote upon the question in the manner hereinafter provided. There shall be printed on the ballots opposite the designation of each office such words as will aid the voter to indicate his choice of candidates, such as "vote for one," "vote for three," and the like.

Names on ballot, how printed.

Other questions than the election of officers.

Number of ballots and how bound.

SEC. 13. All ballots when printed shall be bound in stub books of five, ten, twenty-five, fifty and one hundred ballots each. A record of the number of ballots printed for them shall be kept by the respective County Clerks. *As amended, Stats. 1899, p. 100.*

Number of ballots per registered voter.

SEC. 14. The County Clerks shall provide for each election precinct in the county at least two ballots for each voter registered therein, and not more than five ballots in excess thereof. *As amended, Stats. 1899, p. 100.*

SEC. 15. Whenever it shall appear, by affidavit, that an error or omission has occurred in the publication of the name or description of any of the candidates nominated, or in the printing of the ballots, any member of the Board of County Commissioners, upon application by any voter, shall issue an order requiring the County Clerk to correct such error.

Duties of County Commissioners.

SEC. 16. Before the opening of the polls, at any election, the County Clerk shall cause to be delivered to the Board of Election of each election precinct in his county the proper number of tickets of the kind to be used in the election precinct. In case of prevention of an election in any precinct by reason of the loss or destruction of the ballots intended for that precinct, or for any other cause, the Inspector or other election officer for the precinct shall make an affidavit setting forth the fact and transmit it to the Governor of the State. Upon receipt of such affidavit, and upon the application of any candidate for any office to be voted for by the voters of such precinct, the Governor shall order a new election in such precinct.

Duties of County Clerks.

Duties of Governor on loss or destruction of ballots.

SEC. 17. At the same time and in the same manner as Inspectors and Judges of Election are now appointed in the State, there shall be appointed two Clerks of Election, who shall have charge of the ballots on election day, and shall furnish them to the voters in the manner hereinafter provided for. Said Clerks of Election shall possess the same qualifications and receive the same compensation as Inspectors of Election. Said Clerks shall be selected from the political parties which polled the largest and the next largest votes in the precinct at the last preceding general election.

Duties of Clerks of Election.

Clerks, how selected.

SEC. 18. The Board of County Commissioners shall provide, at each polling place within the county, a sufficient number of places, booths or compartments, in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard rail shall be so placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such booths or compartments. The arrangements shall be such that neither the ballot box nor the booths or compartments shall be hidden from the view of those just outside the guard rail. The number of such booths or compartments shall not be less than one for each fifty or fraction of fifty voters registered in the precinct. Each of said booths or compartments shall be kept provided with proper supplies and conveniences for marking ballots. No person, other than voters engaged in receiving, preparing or depositing their ballots, shall be permitted inside said guard rail during the time the polls are open, except by authority of the Board of Election, and in that case only for the purpose of keeping order and enforcing the law.

Duties of County Commissioners.

Booths to be provided.

Booths and ballot box located.

SEC. 19. Any person desiring to vote shall give his name and address to one of the Clerks of Election, who shall announce

How to vote

the same, and if the other Clerks shall find the name upon the registry list, he shall repeat the name and address. One ballot shall then be given to the voter, and the number of the said ballot shall be written by one of the Clerks of Election upon the registry list opposite the name of the voter receiving it.

SEC. 20. On receiving his ballot the voter shall immediately retire alone to one of the places, booths or compartments. He shall prepare his ballot by stamping a cross or X in the square, and in no other place, after the name of the person for whom he intends to vote for each office. In case of a constitutional amendment or other question submitted to the voters, the cross or X shall be placed after the answer which he desires to give. Such stamping shall be done only with a stamp in black ink, which stamp, ink and ink pad shall be furnished in sufficient number by the County Clerk for each election precinct in the county. Before leaving the booth or compartment the voter shall fold his ballot in such manner that the water-mark and the number of the ballot shall appear on the outside, without exposing the stamps upon the ballot, and shall keep it so folded until he has voted. Having folded his ballot, the voter shall deliver it with the stamp, ink and ink pad to the Inspector, who shall announce the name of the voter and the number of his ballot. The Clerk having the registry list in charge, if he finds the number to agree with the number of the ballot delivered to the voter, shall repeat the name and number, and shall mark opposite the name, the word "voted." The Inspector shall then separate the strip bearing the number from the ballot, and shall deposit the ballot in the ballot box. Said strip and number shall be immediately destroyed. *As amended, Stats. 1901, p. 112.*

SEC. 21. But one person shall occupy any one booth or compartment at one time, and no person shall remain in a booth or compartment longer than may be necessary to prepare his ballot, and in no case longer than ten minutes. *As amended, March 6, 1893.*

SEC. 22. Any voter who shall accidentally spoil a ballot may return such spoiled ballot to the Clerk of Election, and receive another one in its place. All the ballots thus returned shall be immediately canceled by writing the word "canceled" across the face of the ballot, and, with those not distributed to the voters, shall be returned with the election returns. A voter who does not vote the ballot delivered to him shall, before leaving the space inside the guard rail, return such ballot to the Clerks, who shall immediately cancel the same and return it in the same manner as a spoiled ballot. The Clerks of Election shall account for the ballots delivered to them, by returning a sufficient number of unused and spoiled ballots to make up, when added to the number of official ballots cast, the number of ballots delivered to them.

SEC. 23. A voter who declares under oath, that by reason of physical disability, he is unable to mark his ballot, shall,

Ballot, how prepared.

Constitutional amendment.

Marking done with stamp.

Voter to deliver ballot, stamp and ink to Inspector.

"Voted."

Strip and number.

Ten minutes to prepare ballot.

Spoiled ballot, how treated.

Duties of Clerks of Election.

at his request, be permitted to receive the assistance, in such marking, of any elector, other than an election officer, but no person shall be permitted to go inside the guard rail as an assistant to more than one voter.

Who may be assisted.

SEC. 24. No ballots shall be deposited in the ballot box unless the water-mark, as hereinbefore provided, appears thereon, and unless the slip containing the number of the ballot has been removed therefrom by the Inspector.

Kind of ballots to be deposited.

SEC. 25. The County Clerk shall cause to be printed on plain white paper, without water-mark or endorsement, except the words "sample ballot," at least as many copies of the form of ballot provided for use in each precinct as there shall be registered voters in any election precinct. And said County Clerk shall furnish to each Board of Election, as many sample ballots as there shall be registered voters in said precinct, and on election day, the Board of Election shall furnish each voter on application one such sample ballot. Said County Clerk shall also cause to be printed in plain type on cards, instructions for the guidance of voters for obtaining and marking their ballots. He shall furnish twelve such cards to the Boards of Election of each election precinct in the county, at the time and in the manner that ballots and sample ballots are furnished. The Board of Election shall post at least one of such cards in each booth provided for the preparation of ballots, and not less than three of such cards at other public places in and about the polling places on the day of election. There shall be printed on such cards sections twenty-seven, twenty-eight, twenty-nine, and thirty of this Act. *As amended, Stats. 1899, p. 100.*

Sample ballot.

Instructions to voters.

To be posted.

SEC. 26. In counting the ballots any ballot not bearing the water-mark, as provided in this Act, shall not be counted, but such ballot must be preserved and returned with the other ballots. When a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office, his vote for such office shall not be counted. Any ballot upon which appears names, words or marks, written or printed, except as in this Act provided, shall not be counted.

Kind of ballots to be counted.

Kind of ballots to be rejected.

SEC. 27. Any person who shall falsely make or fraudulently deface or destroy any certificate of nomination or any part thereof, or file any certificate of nomination knowing the same or any part thereof to be false, or suppress any certificate of nomination which has been duly filed, or any part thereof, or make use of, keep or furnish to others, except as in this Act provided, any paper water-marked in imitation of ballot paper, or disclose to any person not engaged in the making, printing or distribution of ballots or ballot paper under the direction of the proper officer, the design of the water-mark to be placed on the ballot paper, or print or be concerned in printing, or have in his possession any imitation of an official ballot, or make any mark or endorsement on any ballot or stub, by

Counterfeiting ballot paper a felony.

Several acts for which one may be punished.

which the ballot can be distinguished from other ballots, or falsely swear that he is unable to mark his ballot by reason of physical disability, shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the State Prison for a term not less than one year, and not more than five years.

Misdemeanor to interfere with election supplies.

SEC. 28. Any person who shall, during an election, remove or destroy any of the supplies or other conveniences placed in the booths or compartments, or shall, during an election, remove, tear down or deface the cards of instruction posted, as prescribed by this Act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment in the county jail for a term not less than one month and not exceeding six months.

Neglect of public officer, how punished.

SEC. 29. Any public officer upon whom any duty is imposed by this Act, who shall wilfully neglect or refuse to perform any such duty, shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the State Prison for a term not less than one year and not exceeding five years.

Many interdictions under penalty.

SEC. 30. No person except a member of the Board of Election shall receive from any voter a ballot prepared by such voter. No person shall examine such ballot or solicit a voter to show the same. No person shall remove any ballot from any polling place before the closing of the polls. No person shall apply for or receive a ballot at any election precinct other than the one on which he is entitled to vote. No person shall show his ballot to any person, after marking it, so as to reveal any of the names voted for. No person shall ask another within one hundred feet of the polling place for whom he intends to vote. No voter shall receive a ballot from any other person than one of the Clerks of Election, nor shall any other person than a Clerk of Election deliver such ballot to such voter. No voter shall deliver to the Board of Election or to any member thereof any ballot other than the one received from a Clerk of Election. No voter shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment in the county jail for a term not less than one month and not exceeding six months.

An Act relating to elections and to more fully secure the secrecy of the ballot.

Approved March 6, 1893.

SECTION 1. Amends section four of Act approved March 13, 1891.

SEC. 2. Amends section seven of Act approved March 13, 1891.

SEC. 3. Amends section eight of Act approved March 13, 1891.

SEC. 4. The County Clerks of the several counties of this State shall supervise the printing of the ballots, and such ballots shall be printed at some newspaper or printing office in the county where the ballots are to be voted, and in case there is no newspaper or printing office in the county in which the work can be done, then said Clerk is hereby authorized, empowered and directed to have said printing done in any newspaper or printing office in the State; *provided*, that the cost of printing said ballots shall not exceed the sum of fifty dollars per thousand. *As amended, March 14, 1899.*

County Clerks to have ballots printed at newspaper or printing office within county.

When printed outside of county.

An Act supplementary to an Act entitled "An Act relating to elections and to more fully secure the secrecy of the ballot," approved March 13, 1891.

Approved March 18, 1901.

SECTION 1. Before the close or final adjournment of any Board of Election in any voting precinct in this State, the Inspectors shall canvass and count any and all ballots rejected by them, on a separate tally sheet, in the same manner as legal ballots are now canvassed and counted, and transmit said sheet to the Board of County Commissioners in the ballot box, with the other papers and documents, and the result of the vote cast for any and all candidates, and on any and all questions submitted, so far as can be determined, shall be posted immediately thereafter in some conspicuous place on the building in which the election is held, a duplicate copy of which shall be placed in the ballot box with the other election returns and papers, to the Board of County Commissioners, and the County Clerk shall keep a record of the same.

Relating to Election Board.

Rejected ballots counted on separate tally sheet.

To be posted.

An Act supplemental to an Act entitled "An Act relating to elections and to more fully secure the secrecy of the ballot?"

Approved March 19, 1901.

SECTION 1. It shall be unlawful for any Clerk or Inspector of Election to place any mark whatsoever upon any ballot other than a "spoiled" ballot; *provided, however*, that when such Clerks or Inspectors of Election shall reject a ballot for any alleged defect or illegality, it shall be the duty of such

Unlawful for Inspector to put mark upon ballot.

Certificate
upon
rejected
ballot.

Inspectors of Election to certify over their signatures upon the back of each and every ballot rejected that such ballot or ballots were in fact rejected and briefly stating their reasons therefor.

SCHOOL TRUSTEES ELECTION.

An Act to provide for the maintenance and supervision of public schools.

Approved March 9, 1887.

SECTION 1. (Relates to the duties of County Superintendents.)

SEC. 2. (Obsolete.)

Election in
new districts.

SEC. 3. Within thirty days after the formation of a new district an election must be held for Trustees. Any three electors of the district may give notice of it in the same manner as notice is required to be given for the annual election.

SEC. 4. (Obsolete.)

SEC. 5. (Obsolete.)

Polls kept
open.

SEC. 6. In districts in which the children between six and eighteen years of age exceed four hundred, the polls must be open at eight o'clock a. m., and kept open until five p. m. In other districts the polls must not be open before nine a. m. nor be kept open less than four hours.

SEC. 7. (Obsolete.)

SEC. 8. (Obsolete.)

SEC. 9. (Obsolete.)

Poll and
tally lists.

SEC. 10. A poll and tally list must be kept and returned to the Board of Trustees.

SEC. 11. (Obsolete.)

An Act providing for the date of election of School Trustees, and other matters properly connected therewith.

Statutes 1909, p. 124.

NOTE—This Act supersedes and repeals Section 1 of the Act approved March 16, 1897, p. 100, and the four sections are therefore substituted for the original Section 1.

School
Trustees.

SECTION 1. School districts having fifteen hundred or more school children, as shown by the last preceding school census, shall have five Trustees; other districts shall have three Trustees.

SEC. 2. An election of School Trustees shall be held in each school district of the State on the first Saturday in April, 1910, and on the same day every two years thereafter. At such elections, three Trustees shall be elected in any district having fifteen hundred or more school census children, as shown by the last preceding census, two for four years and one for

two years; and two Trustees shall be elected in every other district, one for four years and one for two years. Election of same.

SEC. 3. In any school district having for the first time fifteen hundred school census children, as determined after the election of Trustees in any year, there shall be elected at the next ensuing School Trustee election two Trustees for four years and two Trustees for two years, to bring such district to the five-trustee basis; and in any district falling below such number, as determined after a School Trustee election, there shall be elected at the next ensuing Trustee election one Trustee for four years, to bring such district to the three-trustee basis. Five Trustees, when. Three Trustees, when.

SEC. 4. Trustees elected under this Act shall take office on the first Monday in May following their election; *provided*, that the Trustees elected in 1910 shall take office on the first Monday in July, 1910, those elected for four years to serve until the first Monday in May, 1914, and those elected for two years to serve until the first Monday in May, 1912. Terms of office.

[Section 2 is superseded by ninth paragraph of Section 2, Statutes 1907, p. 380. The remaining Sections 3 to 19, inclusive, are from original Act approved March 16, 1897, p. 100.]

SEC. 3. All Judges and Inspectors of Election, and such other officers as may be necessary, shall be appointed by the School Trustees in each district. If the Trustees fail to appoint the election officers, or if they are not present at the time of opening the polls, the electors present may appoint them. All such officers shall serve without compensation. Election officers appointed.

SEC. 4. The Election Board shall issue certificates of election to those receiving the greatest number of votes cast in accordance with the provisions of this Act. Certificates of election.

SEC. 5. Not less than ten days before the election held under the provisions of this Act, the Trustees in each district shall post notices in three public places in the district, which notice shall specify that there will be an election held at the school house of such district, and the hours between which the polls will be kept open. If the Trustees of any district shall have failed to post the notices as required by this section, then any three electors of the district may, within five days of the day of election, give notice of such election, which notices shall be sufficient for the election required by this Act, and in such case no registration shall be necessary, but all the other provisions of this Act shall be enforced. Notices to be posted.

SEC. 6. No person shall be allowed to vote at any school election unless he is a resident of the district and his name appears upon the official registry list of the voting precinct or precincts including the district, for the preceding general election; *provided*, that any citizen of the United States who shall have resided in this State six months, and in the school district thirty days next preceding the day of election, and whose name is not upon the said official registry list, may apply to the Clerk of the Board of School Trustees, or to a person authorized by the Trustees of the district to act as Qualification for voting.

Registry Agent, not more than eight nor less than five days prior to the day of election, to have his name registered.

Relating to registration.

SEC. 7. It shall be the duty of the Clerk of the Board of School Trustees, or the person appointed by the Board of School Trustees, as the case may be, to register any qualified voter of the school district who may apply to be registered under the provisions of the preceding section; *provided*, that if the person applying to be registered be unknown to the Registry Agent, or his qualifications for voting be unknown, he shall, before having his name registered, be required to subscribe to the following oath: "You do solemnly swear that you are a citizen of the United States; that you are twenty-one years of age; that you will have resided in the State six months and in the school district thirty days next preceding the day of the school election." False swearing under the provisions of this section shall be deemed perjury, and punished as now provided by law.

Form of oath.

List of voters.

SEC. 8. No person shall be entitled to vote under the provisions of this Act except he be registered as herein provided. The Board of School Trustees shall prepare or cause to be prepared a list of the names of all persons entitled to vote at the school election as herein provided, which said list shall be completed at least three days prior to the day of election, and shall be under the charge of the Clerk of the Board of School Trustees and subject to the inspection of any qualified voter in the district.

Lists of voters to be prepared.

SEC. 9. The Board of School Trustees in all school districts having a voting population of fifty or more, are authorized to employ a competent person to prepare said list of qualified voters and to pay for the work out of the school fund of the district, in [a] manner as other claims against the district are allowed and paid, a reasonable sum, not exceeding five cents a name for each qualified voter, providing that the total amount to be allowed shall not exceed twenty dollars. The list so prepared shall be sworn to by the person making the same as correct, according to his best knowledge, information and belief.

Compensation allowed.

List delivered to Inspectors of Election.

SEC. 10. The list of qualified voters, as hereinbefore described, shall be delivered to the Inspectors of Election prior to the time of opening the polls on the day of election, and no person shall be entitled to vote at the election whose name is not on said list; *provided*, that any person whose name is left off said list by mistake, design, accident or otherwise, may have his name placed thereon by the Inspectors of Election upon satisfactory proofs being presented of his having previously been registered in accordance with the provisions of this Act.

Voting shall be by ballot.

SEC. 11. The voting shall be by ballot, either written or printed, and when two or more Trustees are to be elected for different terms, the ballot shall designate such term as "long term" and "short term," respectively.

SEC. 12. In all school districts having a voting population of one hundred or over, the Board of School Trustees shall

have printed ballots of uniform size containing the names in alphabetical order, of all persons candidates for the office of School Trustee. There shall be twice as many ballots printed as there are voters in the district, and no ballots other than those furnished by the Board of School Trustees shall be voted.

Ballots,
what to
contain.

Number of
ballots.

SEC. 13. A person desiring to vote shall, if his name be upon the registry list as herein provided, receive from the Board of Election or some member thereof, and from no other person, a ballot upon which he shall designate his choice for Trustee or Trustees to be elected in the district, by placing a cross thus: "X," opposite and to the right of the name of the person for whom he intends to vote.

How to vote.

SEC. 14. There shall be placed upon the ballots, in addition to the names of the candidates, such information as the Board of Trustees may deem necessary to inform the voter how to mark his ballot, such as: "Place a cross thus: 'X,' opposite and to the right of the name of the candidate for whom you wish to vote," "vote for one," "vote for two," etc.

Ballot can
contain.

SEC. 15. No person other than the Board of Election, or a police officer in the discharge of his duty, shall be allowed within one hundred feet of the polls, except when actually engaged in voting or in going to or from the polls for the purpose of voting or of challenging the vote of another, and excepting all persons in attendance upon any school which may be in session in the building. No person shall show his ballot to another while marking it or after marking it so as to disclose for whom he has voted, but he shall as soon as possible after marking it fold it so as the marking will be on the inside, and return it to the Board of Election to be counted. Wilful violation of any of the provisions of this section shall constitute a misdemeanor, punishable by fine not exceeding fifty dollars or imprisonment in the county jail not exceeding twenty-five days, or by both such fine and imprisonment.

Allowed at
polls.

Misde-
meanor.

SEC. 16. No person shall receive assistance in marking his ballot unless physically unable to mark it, and then only by permission of the Board of Election. A voter spoiling his ballot may procure another by delivering the spoiled ballot to the Board of Election.

Assistance
allowed.

SEC. 17. Any registered person offering to vote may be challenged by any elector of the district, and the Judges of Election must thereupon administer to the person challenged an oath in substance as follows: "You do swear that you are a citizen of the United States; that you are twenty-one years of age; that you have resided in this State six months and in this school district thirty days next preceding this election, and that you have not voted before this day." If he takes the oath prescribed in this section his vote shall be received, otherwise his vote must be rejected. Illegally voting under the provisions of this Act shall be punished the same as the law now provides for punishing offenses of this character.

Challenge.

Penalty.

SEC. 18. In school districts having a voting population of

Relating to
election of
School
Trustees.

one hundred (100) or over, candidates for the office of School Trustees shall, not later than five days before the day of election, have their names filed with the County Clerk of said county, with designation of the term of office for which they are candidates, and no names shall be placed upon the ballots unless filed within the time herein provided. *As amended, Stats. 1901, p. 54.*

Poll lists and
tally sheets.

SEC. 19. The Board of Election shall keep a poll list and tally sheet, which, together with the registry list and all ballots cast, shall be delivered to the County Clerk upon the count being completed, and such returns shall be kept as the law now provides for keeping returns of general elections.

SCHOOL BONDS ELECTION.

An Act to amend an Act entitled "An Act to enable the several school districts of the State to issue negotiable coupon bonds for the purpose of erecting and furnishing school buildings, or purchasing ground, or for refunding floating funded debts, and providing for the payment of the principal indebtedness thus authorized and the interest thereon," approved March 12, 1907.

Approved February 8, 1908, p. 34.

General
method of
issuing
school bonds

SECTION 1. Any school district of the State now existing, or which may hereafter be created, is hereby authorized to borrow money for the purposes of erecting and furnishing a school building or buildings, maintaining the same, purchasing ground upon which to erect such building or buildings, or for refunding floating indebtedness, or for any or all of these purposes, by issuing negotiable coupon bonds of the district in the manner by this Act provided. *As amended, Stats. 1909, p. 178.*

Question of
issuance of
bonds
submitted to
popular vote.

SEC. 2. When the Board of Trustees of any school district shall deem it necessary to incur an indebtedness authorized by this Act by issuing the negotiable coupon bonds of the district, such Board of Trustees shall first determine the amount of such bonds to be issued, and a certificate of such determination shall be made and entered in and upon the records of said district. Thereupon, the Board of School Trustees shall, by resolution duly made and entered in and upon the records of said board, submit the question of contracting a bonded indebtedness for any of the purposes authorized by this Act to a vote of the duly qualified electors of the district at the next general election of the School Trustees, or at a special election which the School Trustees are hereby authorized to call for such purpose.

SEC. 3. The election provided in this Act shall be called

and held, and the vote canvassed and returned, in all respects as nearly as may be in accordance with the provisions of law now governing the election of School Trustees; *provided*, that if there is a newspaper published in the school district the notice shall be published for at least once a week for two successive weeks preceding said election. The election notice must contain:

Election,
how
conducted.

First—The time and place of holding such election.

Election
notice to
contain.

Second—The names of Inspectors and Judges to conduct the same.

Third—The hours during the day in which the polls will be open.

Fourth—The amount and denomination of the bonds, the rate of interest and the number of years, not exceeding twenty, the bonds are to run. All persons voting on the question submitted at such election shall vote by separate ballot whereon is placed the words "For the the Bonds" or "Against the Bonds." The ballots shall be deposited in a separate ballot box provided by the School Trustees for that purpose.

SEC. 4. If upon the official determination of the result of such election it appear that a majority of all the votes cast are "For the Bonds," the Board of Trustees, as soon as practicable, shall issue the negotiable coupon bonds of the district in such form and denomination as the Board of Trustees may direct, said bonds to run for a period not to [exceed] twenty (20) years from the date of issue, and bearing interest at a rate not exceeding eight (8) per cent per annum, payable semi-annually, both principal and interest payable at such place as the Board of Trustees may direct, said bonds not to be sold for less than their par value. And before said sale is made notice of such proposed sale must be given, by publication, in a newspaper, if there is a newspaper published in the district, for at least one week before said bonds are disposed of, inviting sealed bids to be made for said bonds, and said bonds are to be sold to the highest and best bidder for said bonds; *provided*, if there is no newspaper published in said school district, the notice herein provided for shall be given by posting in three public places in said school district for at least ten days before said bonds are disposed of.

Bonds to
run no
longer than
twenty years.

SEC. 5. All bonds issued under the provisions of this Act shall be signed by the Chairman of the Board of Trustees and be duly attested by the Clerk thereof, and shall bear the seal of the district, if the district has a seal, and shall be countersigned by the County Treasurer.

Bonds
signed.
Seal.

SEC. 6. Before any district shall issue bonds under the provisions of this Act, all such bonds shall be presented to the Treasurer of the county to be duly registered by him in a book kept for that purpose in his office, which registry shall show the school district, the amount, the time of payment and the rate of interest, and all such bonds shall bear the certificate of the County Treasurer to the effect that they are issued and

Registry
of bonds.

registered under the provisions of this Act. After such registry the bonds shall be at the disposal of the Board of Trustees of the district issuing the same, to be sold for the purpose of raising funds for the objects designated by this Act.

Special tax
for interest
and
redemption
of bonds.

SEC. 7. Whenever any school district shall issue any bonds under the provisions of this Act it shall be the duty of the Board of Commissioners of the county in which such district may be situated to levy and assess a special tax on all the taxable property of such district in an amount sufficient to pay the interest thereon when the same shall become due according to the tenor and effect of said bonds, and the County Treasurer shall collect the same as other taxes are collected, in cash only, keeping the same separate from other funds received by him; and if there shall be any surplus after paying said interest and the expenses of collecting such special tax, the Treasurer shall without delay pass the same to the credit of such school district, and such funds so passed to the credit of the district shall be subjected to the disposal of the Board of Trustees; and beginning with the year the bonds are issued, and annually thereafter, until the full payment of said bonds has been made, the Board of County Commissioners of the county in which said school district is situated shall levy and assess a special tax, and shall cause said special tax to be collected on all property of the school district, including the net proceeds of mines, sufficient to pay annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run, which amount shall be levied, assessed and collected in the same manner as the tax for the payment of the interest coupons, and when collected shall be known as the "Sinking Fund," and shall be used only in the payment of such bonds. The sinking fund thus provided may be applied to the purchase and cancellation of the outstanding bonds of the district. At the maturity of such bonds the County Treasurer shall call in and pay such bonds and accrued interest thereon and duly cancel the same, and certify his action to the Board of Trustees of the school district.

Sinking
Fund.

Change in
boundaries
not to release
property
from tax.

SEC. 8. No change in the boundary lines of any school district shall release the taxable real property of the district from assessment and levy of the taxes to pay the interest and principal of such bonds, and if there shall be any change in the boundary of such school district so as to leave any portion of the taxable real property of the district which was subject to taxation in the district at the time of the issue of such bonds, the assessment and levy of taxes for the payment of the principal and interest of such bonds shall be made on such property as if it were still within the district, and if there shall be any change of the boundary lines of such school district so as to annex or include any taxable or real property, after the issue of such bonds, the real property so included or annexed

shall thereafter be subject to the assessment and levy of a tax for the payment of the principal and interest of such bonds.

SEC. 9. All taxes levied and assessed as in this Act provided shall constitute a lien on the property charged therewith, from the date of the levy thereof by the County Commissioners, or the entry thereof on the assessment roll of the County Auditor, until the same are paid, and thereafter, if allowed to become delinquent, shall be enforced in the same manner as is now provided by law for the collection of State and county taxes. And no additional allowance, fee or compensation whatever shall be paid to any officer for carrying out the provisions of this Act.

Taxes
constitute
lien on
property.

SEC. 10. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

An Act to enable school districts to issue negotiable coupon bonds for the purpose of erecting, furnishing, equipping and maintaining buildings for industrial training, manual training, domestic science and agriculture, or for any one or all of these purposes, and providing for the payment of the principal indebtedness and the interest thereon, and other matters properly connected therewith.

Statutes 1909, p. 122.

SECTION 1. Any school district of the State is hereby authorized to borrow money for the purpose of purchasing grounds, erecting buildings, and furnishing, equipping and maintaining the same, for instruction in industrial training, manual training, domestic science and agriculture, or for any one or all of these purposes, by issuing negotiable coupon bonds of the district.

Bonds for
school
purposes.

SEC. 2. Such bonds shall be determined upon, submitted to vote of the district interested, authorized, issued and paid, in accordance with the provisions of the general law for bonding school districts, as approved March 12, 1907, and as amended February 8, 1908.

Under
general Act.

SEC. 3. This Act shall take effect upon its passage and approval.

In effect.

FREE TEXT-BOOK ELECTION.

An Act to provide books, equipment and materials, and to encourage the economic use thereof by the pupils of the public schools, and fixing penalties for its infraction.

Statutes 1909, p. 156.

SECTION 1. The Board of Trustees of each school district may upon their own motion, and shall upon written demand by a number of qualified voters equal to ten per cent of the

To provide
free text-
books for
pupils, when.

- Election. average number of children attending the public schools in said district during the preceding full school month, submit to a vote of the people, at the next ensuing general or special school election, the question of providing free text-books for the pupils attending said schools, and of levying a special tax for this purpose at a rate to be named in the demand, if demand be made, and in a notice of such election, which shall be given as required in the case of other special-tax elections.
- Trustees to levy tax. when. SEC. 2. If a majority of those voting at such election vote in favor of providing free text-books and of a special tax for the same, the Board of Trustees shall levy such tax, which shall be collected as other special taxes are collected and, from the fund so provided, which shall be called the Book Fund, shall purchase a sufficient number of authorized text-books, as they may be required, and shall loan them upon such terms, and under such rules and regulations, as may be made by said board, or as may be provided by law, to parents or guardians for the use of the pupils of the schools of said district.
- District property. SEC. 3. All property purchased under this Act for a school district shall be and remain the property of said district, except as otherwise provided by law.
- Books: how disposed of. SEC. 4. Text-books purchased under this Act may be disposed of as follows:
 (a) They may be sold for cash to pupils of the public schools, or to parents or guardians of such pupils.
 (b) If the Board of Trustees so decide, pupils who have completed the last two years of the course of study for the district, may, as a mark of merit, be given the permanent ownership of such four text-books used by them during their last two years of study in the schools of said district, as said pupils may select.
- Parents responsible for books. SEC. 5. The parents and guardians of pupils shall be responsible for all books loaned to the pupils in their charge, and shall pay to the Clerk of the Board of Trustees, for the Book Fund of the district, the full purchase price of every such book destroyed, lost, or so damaged as to make it unacceptable to other pupils succeeding to their classes. The Board of Trustees may also make rules for payment for slighter injuries to books.
- Credits to pupils. SEC. 6. Credits shall be given to pupils in a ratio to be fixed by those having authority to fix ratios of credits, for the economic use and care of books in the hands of pupils, whether such books be the property of the district or otherwise.
- Material other than books. SEC. 7. Equipment and materials for use in manual training, industrial training and the teaching of domestic science, may be supplied to pupils in the same manner, out of the same fund and on the same terms and conditions as books; *provided*, that no private ownership can be acquired in such equipment or material unless sold according to law when such equipment or material shall be no longer used or required for the schools of the district.

SEC. 8. Authorized supplementary books for the use of the teachers may be purchased under this Act, and shall remain the property of the school district for which purchased unless sold in accordance with law. Other books

SEC. 9. Each year after the first introduction in any school district of the system provided for in this Act, and on or before the 10th day of January thereof, the Board of School Trustees of such district shall estimate the amount of money necessary for maintaining or increasing the supply of books, equipment, and material, or any or all of these, and proceed to levy the necessary tax therefor in the manner now provided for by law for levying a special tax not in excess of twenty-five cents on the one hundred dollars. Tax levy.

SEC. 10. This Act shall not be so construed as to authorize the violation of any valid existing contract, nor to provide a means for the adoption of text-books. Not to invalidate existing contracts.

SEC. 11. Every person violating the provisions of this Act shall be guilty of a misdemeanor, and shall be fined not more than twenty dollars (\$20) or imprisoned not more than ten (10) days, or both so fined and imprisoned. Penalties.

HIGH SCHOOLS ELECTION.

An Act permitting the establishment of County High Schools in the various counties of this State, and providing for the construction, maintenance, management and supervision of the same, to repeal all Acts and parts of Acts in conflict herewith, and matters properly connected therewith.

Statutes 1909, p. 241.

SECTION 1. There may be established in any county in this State a high school; *provided*, that at any general or special election held in said county after the passage of this Act, a majority of all the votes cast at such election upon the proposition to establish a high school shall be in favor of establishing and maintaining such high school at the expense of said county. County High Schools established by popular vote.

SEC. 2. The Board of County Commissioners at any general election to be held in any county after the passage of this Act, upon the presentation of a petition signed by fifty or more qualified electors, taxpayers of said county, at any regular meeting of said board held not less than eight weeks before any special or general election, must make an order submitting the question of establishing, constructing and maintaining a county high school to the qualified electors thereof. The Board of County Commissioners, upon the presentation of said petition, may order a special election for said purpose. Said election shall be conducted in the manner prescribed by law for conducting elections, and the ballots at County Commissioners to submit question to voters. Ballots.

such election shall have printed thereon the words "For a County High School" and the words "Against a County High School." The votes cast for and against said county high school at any election therefor shall be counted and the returns thereof made and canvassed in the manner provided for by law for counting, making returns, and canvassing the votes of a general election; *provided*, that the election officers appointed to conduct any special election held in accordance with this Act, as required by law, shall perform all services required of them by law in holding and conducting such elections, without any fees or pay therefor.

Location of said school, how determined.

SEC. 3. If a majority of the votes cast on the proposition to establish a county high school shall be in the affirmative, it shall be the duty of the Board of County Commissioners, within thirty days after canvassing said vote, to locate the high school in the place in said county where the said board shall deem most suitable and convenient for the purpose. If, within sixty days after the County Commissioners shall have located said high school, there shall be presented a certified petition bearing the signatures of at least one-fourth of the qualified voters of such county according to the last general election returns, said petition requesting a vote on the question of the location of the county high school and specifying a desired location, said Board of County Commissioners shall submit the question of such location to the voters of the county at the next general election; *provided*, that in all cases where special elections have been called by the Board of County Commissioners of any county of this State previous to the passage of this Act to submit the question of location of any county high school to the voters in any such county wherein two thousand or more votes were cast at the last general election, and wherein the assessed valuation of real and personal property is six million dollars or more, the Board of County Commissioners may, if said board deems it to the best interest of the people of such county, establish two county high schools; one at the place selected by the Board of County Commissioners and one at the place named in the petition presented to the said Board of County Commissioners praying for said special election in said county, and thereupon the said board may revoke the order calling said special election and in such case no special election shall be held.

At any general election at which the location of any county high school is submitted to the voters of the county, the form of the ballot shall be:

Form of ballot.

Shall the County High School be located at.....? { Yes.....
No.....

In other respects the provisions of the general election law shall be followed. If at any such election a majority of all voters who shall vote on the question of such location shall vote in favor of locating the county high school at the place

designated in the petition, it shall be the duty of the Board of County Commissioners to cause the high school to be located at such place, not later than the first day of the next following September. While a vote on the question of changing the location of any county high school is pending, no contract for the purchase of grounds or for the erection of a building shall be made. When the location of the county high school has been finally determined, the Board of County Commissioners shall estimate the cost of purchasing suitable grounds, procuring plans and specifications, erecting a building, furnishing the same, fencing and ornamenting the grounds, and the cost of running said school for the following twelve months; *provided*,^{Proviso.} that the estimate mentioned herein for purchasing suitable grounds, procuring plans and specifications, erecting a building, furnishing the same and fencing and ornamenting the grounds shall not be made, if previous to the time when the Commissioners are to make such estimate the Legislature shall have authorized said county to issue bonds for such purpose.

SEC. 4. When such estimate shall have been made, the Board of County Commissioners shall thereupon immediately proceed to levy a special tax upon all the assessable property of the county sufficient to raise the amount estimated. Said tax shall be computed, entered on the tax roll and collected in the same manner as other taxes are computed, entered and collected, and the amount so collected shall be deposited in the county treasury and be known and designated as the "County High School Fund," and shall be drawn from the treasury in the manner now provided by law for drawing money from the treasury by School Trustees; *provided, however*, that the tax levy for purchasing suitable grounds, procuring plans and specifications, erecting a building and furnishing the same, fencing and ornamenting the grounds, may be deferred as long as a sufficient number of suitable rooms in a public school building can be secured for the purposes of such county high school at a reasonable rental. In case such levy be deferred until after the election of a County Board of Education, the levy shall be made by the Board of County Commissioners whenever so ordered by the County Board of Education, and the Board of Education shall be charged with the duty of purchasing grounds and erecting and furnishing such school building.^{Tax levy.}

SEC. 5. The Board of County Commissioners shall act as a County Board of Education in the performance of the duties hereinbefore mentioned and shall continue to perform the duties of the County Board of Education until a County Board of Education shall have been elected and qualified as hereinafter provided, and at such time the Board of County Commissioners shall transfer all property and control of said school to the County Board of Education, who shall hold the same in trust for the county.^{County Board of Education.}

SEC. 6. At the next general election after it shall have

County Board of Education elected.

been decided to establish a county high school there shall be elected a County Board of Education, to consist of three members, two of whom shall serve two years, and the other four years, and thereafter at each regular biennial election there shall be elected two members of said board, one of whom shall serve for two years and the other for four years. Each person elected as herein provided shall enter upon the duties of his office on the first Monday in January next following his election, and shall hold office until his successor is elected and qualified. If at any time a vacancy shall occur on said board, it shall be the duty of the Superintendent of Public Instruction to appoint a member for the unexpired term.

Duties of said board.

SEC. 7. It shall be the duty of the County Board of Education to furnish, annually, an estimate of the amount of money needed to pay all the necessary expenses of running said school; to enforce the uniform high-school course of study adopted by the State Board of Education; to employ teachers holding Nevada State certificates of the high-school grade in full force and effect; to hire janitors and other employees, and discharge such employees when sufficient cause therefor shall exist; and to do any and all other things necessary to the proper conduct of the school.

Tax levy.

SEC. 8. It shall be the duty of the Board of County Commissioners to include in their annual tax levy the amount estimated by the County Board of Education as needed to pay the expenses of conducting the county school; and such amount, when collected and paid into the county treasury, shall be known as the "County High School Fund," and may be drawn therefrom for the purpose of defraying the expenses of conducting said county high school, in the manner now provided by law for drawing money from the county treasury by School Trustees.

What pupils eligible.

SEC. 9. All county high schools shall be open for the admission of graduates holding diplomas from the eighth grade of the elementary schools of the State; *provided*, that the examinations for the said diplomas shall have been given under the direction and authority of the State Board of Education; and to such other pupils as shall pass the examination for admission to the county high school, which examination shall be conducted under the direction and authority of the State Board of Education.

Principal may supervise other schools.

SEC. 10. Nothing in this Act shall be construed so as to prevent the principal of the county high school from acting as principal of the grammar school of the district in which the county high school is located if so desired by the Trustees of said school district and the County Board of Education.

Under general laws.

SEC. 11. The county high school shall be under the same general supervision and shall be subject to the same laws, rules and regulations governing the other schools of the State school system.

SEC. 12. The County Board of Education is hereby empow-

ered to provide for the rental, purchase, or erection of a suitable dormitory or dormitories and dining hall for high-school students, and to provide for the support, maintenance and management of the same. The said dormitory or dormitories shall be considered part of the regular high-school equipment and organization.

Dormitories
and dining
hall.

SEC. 13. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repeal.

ELECTION OF DISTRICT JUDGES.

An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create Judicial Districts in the State of Nevada, provide for the election of District Judges therein, and to fix their residences and salary, and to repeal all other Acts in relation thereto,' approved March 27, 1907;" approved February 8, 1908.

Statutes 1909, p. 185.

SECTION 1. The State of Nevada is hereby divided into nine Judicial Districts. The Counties of Storey, Douglas, Ormsby, and Lyon shall constitute the First Judicial District; the County of Washoe shall constitute the Second Judicial District; the Counties of Eureka and Lander shall constitute the Third Judicial District; the Counties of Elko, Lincoln, and Clark shall, except as hereinafter provided, constitute the Fourth Judicial District; the County of Nye shall constitute the Fifth Judicial District; the County of Humboldt shall constitute the Sixth Judicial District; the County of Esmeralda shall constitute the Seventh Judicial District; the County of Churchill shall constitute the Eighth Judicial District, and the County of White Pine shall constitute the Ninth Judicial District. For each of said districts Judges shall be elected by the qualified electors thereof at the general election in the year 1910, and every four years thereafter, except as otherwise provided in this Act, as follows: For each of said districts, except the Second Judicial District and the Seventh Judicial District, there shall be elected one Judge. For the Second Judicial District there shall be two Judges elected, and for the Seventh Judicial District there shall be two Judges elected.

Judicial
Districts
remodeled.

Two Judges
each for
Second and
Seventh
Districts.

SEC. 2. Until the first Monday in January, one thousand nine hundred and eleven, the Judicial Districts of this State shall be and remain as heretofore provided by law, unless there shall occur vacancies in the offices now held by the present incumbents, by deaths, resignations or otherwise; *provided*, that in case of such vacancy or vacancies the provisions of this Act shall take immediate effect, and there shall be appointed or elected, as provided by law, one District Judge for the Ninth Judicial District, and two District Judges for the Seventh

To take
effect in 1911.

Exception.

Judicial District, to hold office until the first Monday in January, one thousand nine hundred and eleven, after which date there shall be but one District Judge in the Seventh Judicial District.

Salary of
Judges.

SEC. 3. The salary of each Judge herein elected, or appointed to fill vacancies whenever such vacancies shall occur, shall be four thousand dollars per annum, except the Judge of the Fourth Judicial District whose salary shall be five thousand dollars per annum, and the Judge of the Fifth Judicial District whose salary shall be seven thousand dollars per annum, and the Judge or Judges of the Seventh Judicial District whose salary shall be seven thousand dollars per annum, and the Judge of the Eighth Judicial District whose salary shall be three thousand dollars per annum, all of said salaries to be paid in equal monthly installments out of the District Judges' Salary Fund, hereby created in the State Treasury, which fund shall be supplied in the manner following, to wit:

How raised
and paid.

Each county in each district in the State shall contribute annually to the said fund its proportionate share of the money necessary to pay the Judge or Judges of its district their respective salaries monthly for such year, based upon the assessment roll of each county for the previous year; and it is hereby made the duty of the County Commissioners of each county to make such arrangements and orders as may be necessary to insure the forwarding of their county's quota of said District Judges' Salary Fund to the State Treasurer, at such times and in such installments as will enable the State Treasurer to pay each District Judge one-twelfth of his annual salary on the first Monday of each and every month, and to cause such money to be forwarded by the County Treasurers, and if necessary in order to render certain the forwarding of such money in ample time to prevent any default in said monthly installments, said Board of County Commissioners shall transfer and use any moneys in the county treasuries except those belonging to the Public School Fund. No salary of any District Judge shall be paid in advance.

No salary in
advance.

Relating to
Second
District.

SEC. 4. The Second Judicial District shall be entitled to and shall have two District Judges; they shall have concurrent and coextensive jurisdiction within said district, under such rules and regulations as may be prescribed by law, and they shall have power to make such rules and regulations as will enable them to transact judicial business of said district in a convenient and lawful manner.

Relating to
Seventh
District.

SEC. 5. The Seventh Judicial District shall be entitled to and shall have two District Judges to hold office until the first Monday in January, one thousand nine hundred and eleven, and after the said first Monday in January, one thousand nine hundred and eleven, the Seventh Judicial District shall be entitled to but one District Judge, and at the general election of 1910, and every four years thereafter, except as otherwise provided in this Act, there shall be but one District Judge

elected for the Seventh Judicial District. The said District Judges of the Seventh Judicial District shall have concurrent and coextensive jurisdiction within said district, under such rules and regulations as may be prescribed by law, and they shall have power to make such rules and regulations as will enable them to transact judicial business of said district in a convenient and lawful manner.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. Repeal.

TOWN AND CITY ELECTIONS.

An Act concerning the election of town and city officers in this State, and matters properly connected therewith.

Approved March 22, 1897.

SECTION 1. The Registry Agents of every voting precinct in this State, containing within its limits a town or city, the boundaries of which are described by metes and bounds, shall register all voters, residents of said town or city, separately from the voters who reside within the said voting precinct but without the limits of said town or city, or he shall designate after the name of each voter whether he is a resident within or without said town or city; *provided*, that when there are no officers to be elected exclusively for said town or city such separate registration shall not be required.

Duties of
Registry
Agents.

SEC. 2. The Registry Agents in preparing the official register for any voting precinct as described in section one of this Act for the use of election officers, of the precinct and the wards thereof, if any there be, shall designate after the name of each voter, or in some other appropriate and intelligible manner, the residence of the voter, whether within or without the limits of the town or city, so that the election officers can readily determine whether or not voters are qualified to vote for town or city officers, if any such are to be elected.

Residence
to be desig-
nated.

SEC. 3. The County Clerk shall cause to be placed upon the official ballots to be used at any voting precinct containing within its limits a town or city, as described in section one of this Act, the names of all candidates for office for said town or city, in manner as now provided by law to be voted for exclusively by the electors of said town or city; *provided*, that he shall furnish sufficient ballots without the names of candidates for town or city officers, for use of the voters of the precinct who reside without the limits of said town or city, and the number of all ballots furnished for use in said precincts, and the wards thereof, if any there be, shall be as now provided by law, and shall be apportioned according to the relative number of each class of voters as herein designated.

Ballots to
contain.

Proviso.

Form of
ballot.

SEC. 4. The election officers of every voting precinct and the wards thereof, if any there be, shall, in manner as now provided by law, furnish the voters of said precinct or the wards thereof, with ballots with or without the names of the candidates for town or city officers, according as the voter is a resident within or without the limits of said town or city as shown by the official registry list for use of the election officers of said precincts, or the wards thereof, as in this Act provided, and no ballot containing names of candidates to be voted for exclusively by residents of the town or city shall be given to any voter who resides without the limits of said town or city.

SEC. 5. Except as herein specially provided, the manner of voting and conducting the election shall be as now provided by law.

Applicable
to wards.

SEC. 6. Whenever any officer or officers of any town or city as herein mentioned are to be voted for exclusively by the qualified voters of any ward or wards of said town or city, then all the provisions of this Act concerning the registration and manner of voting for town and city officers shall apply to said ward or wards.

An Act to authorize the issuance of bonds by unincorporated cities and towns for the construction of sewerage systems.

Statutes 1909, p. 179.

Unincorporated cities and towns may issue bonds for sewerage systems.

SECTION 1. For the purpose of constructing sewerage systems within their respective limits, and waste mains therefrom, any unincorporated city or town within this State, which is being or may hereafter be governed under the provisions of an Act of the Legislature of this State entitled "An Act providing for the government of towns and cities within this State," approved February 26, 1881, and Acts amendatory thereof, are hereby authorized to issue bonds in the amount and manner hereinafter set forth and prescribed.

Amount limited.

Denomination.

SEC. 2. Said bonds shall not in any such city or town at any time exceed the sum and amount of sixty thousand dollars (\$60,000); they shall be of convenient denominations, ranging from one hundred dollars (\$100) to one thousand dollars (\$1,000), and shall bear interest at the rate of not more than six (6) per cent per annum, the interest on each bond to be payable annually, beginning on the third Monday in January of the second year after such bond shall have been issued, and upon the same date in each succeeding year during the life of such bond. The bonds shall be numbered consecutively and have interest coupons attached in such manner that they can be removed upon payment of the installments of interest without injury to the bonds. The bonds shall be signed by the Chairman of the Board of County Commissioners, acting as a city or town board, and countersigned by the Clerk of said board. The bonds shall be distinctively known as "....."

Sewerage Bonds," the name of the city or town issuing them being inserted before the word "Sewerage."

SEC. 3. Before issuing the said bonds the Board of County Commissioners, acting as such city or town board, shall publish a notice for at least three consecutive weeks in some daily newspaper published in said city or town, calling for a special election by the legally qualified electors of said city or town to determine whether such bonds shall issue. If there be no daily newspaper published in such city or town, the said notice shall be posted in at least three conspicuous places within the limits of such city or town, for the same length of time, and if there be a weekly newspaper published in such city or town, the said notice shall also be published in each issue of said weekly newspaper during the period of posting. The notice shall state specifically the amount of the proposed bond issue, the rate of interest the bonds are to bear, the time and manner of their payment, and that they are for the construction of a sewerage system.

Special election to determine.

SEC. 4. The board shall cause a sufficient number of ballots to be printed which shall bear the words "Sewerage Bonds—Yes," and "Sewerage Bonds—No," printed thereon in parallel lines, one above the other. The voter will scratch out the "Yes" if opposed to the bonds, or the "No" if in favor of their issue. The election shall be conducted and the votes canvassed, in all essential particulars as in other city and town elections. If a majority of all the votes cast are in favor of the issue of the bonds, the Board of County Commissioners, acting as such city or town board, shall proceed at once to issue them as rapidly as needed, in conformity with the provisions of this Act. Said bonds shall be sold at not less than their par value, and shall be redeemable, in the order of their issue, not less than three years or more than fifteen (15) years from the date of their issue respectively.

Ballots.

Bonds issued, when.

SEC. 5. To provide for the payment of the said bonds and the interest thereon the Board of County Commissioners shall, at the time of the regular tax levy for State and county purposes, levy an additional tax upon all property, real and personal, within the limits of such city or town, sufficient, in their judgment, to pay the interest upon such bonds annually as it becomes due, and the principal at such a rate as will redeem all of the bonds within fifteen (15) years from the date of issue. In each case the fifteen (15) years shall begin to run from the date of the particular bond to be paid. The said taxes shall be assessed and collected the same as other taxes, paid to the County Treasurer, and by him placed in a fund to be known as the ".....Sewerage Fund" with the name of the city or town preceding the word "Sewerage."

Providing for redemption and interest.

SEC. 6. All sewerage systems constructed under the provisions of this Act shall be so constructed under the supervision and control of the Board of County Commissioners, acting as such city or town board. The materials may be purchased

Commissioners to supervise work.

and the work caused to be done directly by the board, or it may advertise for plans and specifications, and bids for construction as in cases of other public works.

In case of towns or cities afterward incorporating.

SEC. 7. In all cases wherein such sewerage systems are constructed in unincorporated cities and towns, and such cities and towns are afterwards incorporated, the control and management of such systems shall at once be vested in the municipal governments of such cities and towns. If such cities or towns shall be incorporated while the work of construction is in progress, the work shall, nevertheless, be carried on to completion by the Board of County Commissioners, and when completed the system shall be turned over to the city or town government as it shall have been organized. It shall then be the duty of such city or town government to provide for the payment of the principal and interest upon said bonds, by the levy and collection of taxes as prescribed by law. It shall be the duty of the County Treasurer having custody of the sewerage funds to turn such funds over to the City Treasurer immediately upon the qualification of the City Treasurer, and the bonds, principal and interest shall then be paid by the city government in all respects as prescribed for their payment by the Boards of County Commissioners, acting as city or town boards.

MISCELLANEOUS.

An Act to provide for taking the votes of electors of the State of Nevada, who may be in the military service of the United States.

Statutes 1899, p. 108.

Relating to votes of electors in service of the United States. Adjutant-General to certify to Secretary of State.

SECTION 1. For the purpose of taking the vote of the electors of this State, who may be in the service of the United States Volunteers, and at the time beyond the territorial limits of the State, the Adjutant-General of the State shall, in due time to carry out the provisions of this Act, make and deliver to the Secretary of State duly certified separate lists for each county, having soldiers in the service, of the names of all qualified electors under the laws of this State, at the time of their enlistment, who may be in the military service of the United States, classified and arranged in alphabetical order, showing the regiment, battalion, squadron, battery and company, or other division to which each elector belongs, also the county and precinct in which he is entitled to vote.

Certified copies to be transmitted to commanding officer.

SEC. 2. The Secretary of State shall immediately transmit duly certified copies of such proper lists to the commanding officer of each of said organizations of which electors may be members.

SEC. 3. Between the hours of eight o'clock a. m. and six o'clock p. m. on the day of election, a ballot box, or other suit-

able receptacle, shall be opened under the immediate charge and supervision of the three officers highest in command, for the reception of votes from the electors whose names are upon said lists, at each place where a regiment, battalion, squadron, battery, company or other division of soldiers from this State in the military service of the United States may be on that day, at which time and place said electors shall be entitled to vote for all officers, for which, by reason of their residence in the several counties of this State, they are entitled to vote, as fully as they would be entitled to vote if present in the respective counties and precincts of their residence; and the votes so given by such electors, at such time and place, shall be considered taken, held, canvassed and counted by the respective Canvassing Boards of Election in this State as if they had been given by them in the respective counties and precincts in and of which they were qualified electors at the time of their enlistment.

Election to be under supervision of three officers highest in command.

SEC. 4. The ballot to be cast by such electors shall be the official ballot provided by law. The name of each elector voting as aforesaid shall be checked at the time of voting by one of said officers in charge of the ballot box, upon said list. The said officers having charge of said election shall proceed to count the votes and compare the numbers with the checked lists immediately after the close of the polls, and on completing the count the said officers shall make and sign a return or certificate of the result, in substance as follows, to wit:

Ballots to be official.

Board of officers to count the votes.

Return of soldiers' vote in the (here insert the regiment or other command as the case may be). We, the undersigned (here insert rank and command), do hereby certify that on the day of, the electors belonging to our said command cast the following number of votes for the several persons and officers herein named, to wit:

Form of certificate.

For Governor (here name each person voted for for Governor, to the number of votes each received, written in full, also in figures, against and following the name of each person). For Lieutenant-Governor (here insert names of all voted for, number of votes for each, written in full, also in figures, against and following the name of such person), and so continue until the list is completed.

Witness our hands this day of

- A. B. (with rank and command).
- C. D. (same).
- E. F. (same).

SEC. 5. All the ballots cast, together with the said voting lists, checked as aforesaid, and said return, shall be immediately sealed up and sent forthwith by the commanding officer to the Secretary of State at the seat of the government, on receipt of which the Secretary of State shall, in the presence of the Chief Justice of the Supreme Court, open said returns and immediately certify to the Board of County Commissioners of the proper county the soldier vote of such county for the vari-

All ballots and lists to be sealed and transmitted to Secretary of State.

Opened in presence of Chief Justice.

County Commissioners to canvass.

ous officers as returned to him, and such Board of County Commissioners shall canvass and count such vote, as soon as practicable after receiving the same.

State and district officers.

SEC. 6. For State and district officers the said returns shall be canvassed by the State Board of Canvassers.

Secretary of State to furnish necessary ballots.

SEC. 7. The Secretary of State is hereby required to furnish, prepare and have printed the necessary ballots, and if he is not in possession of the names of the candidates for county and township officers, said names may be omitted from the ballot. He shall also furnish each commanding officer the necessary check and poll lists, together with the proper and sufficient blanks for said returns, and all necessary instructions for the taking of the votes in their respective commands.

SEC. 8. All Acts and parts of Acts so far as conflicting herewith are hereby repealed.

An Act in relation to County Assessors, and to repeal sections one and two of "An Act in relation to County Assessors, their terms of office and compensation," which became a law March 14, 1883.

Approved March 14, 1899.

Assessors to hold office for two years

SECTION 1. The County Assessors elected in the several counties in this State after the passage of this Act, shall hold office for the term of two years.

Incumbents not affected.

SEC. 2. The provisions of this Act shall not affect the duration of the term of any County Assessor now in office.

Repealed.

SEC. 3. Sections numbered one and two of that certain Act entitled "An Act in relation to County Assessors, their terms of office and compensation," which became a law March 14, 1883, are hereby repealed.

An Act to secure the election of United States Senator in accordance with the will of the people and the choice of the electors of the State, and to obtain an expression of such choice, and to prevent fraud and official dereliction of duty in connection with such election.

Statutes 1899, p. 86.

Candidates for United States Senator may be nominated.

SECTION 1. At the general election next preceding the expiration of the time for which any United States Senator was elected or appointed to represent the State of Nevada in Congress, candidates for the choice of the electors of this State for United States Senator may be nominated in the same manner as provided by law for the nomination of State officers, and they may be nominated either by certificate of nomination, by a party convention, or under the provisions of any direct primary law which may now or hereafter be enacted, or by certificate of nomination signed by electors equal to ten per cent

of the entire vote cast at the preceding election. *As amended, Stats. 1909, p. 158.*

SEC. 2. Such certificates of nomination shall be filed with the Secretary of State, who shall certify the names of all candidates as shown therein to the various County Clerks as now required by law in case of candidates for State offices, and the several County Clerks in preparing the ballots to be voted at any such general election shall place thereon the names of all such candidates under the words "Choice for U. S. Senator, vote for one," and there shall be a margin at the right-hand side of these names at least one-half inch wide, where the voter may indicate his choice of said candidates by making a cross or X.

Certificate of nomination to be filed with the Secretary of State.

Ballot, how prepared.

SEC. 3. The names of all candidates so nominated shall be submitted to the electors of the State for them to express their choice at every such general election, and the vote upon such choice shall be taken, returned, canvassed and certified by the same authority and in the same way as the vote for State officers is taken, canvassed, returned and certified, and in manner and form complying with the requirements and provisions of an Act relating to elections and to more fully secure the secrecy of the ballot, approved March 13, 1891, and of the various Acts amendatory thereof and supplementary thereto, and the Secretary of State shall, within five days after the convening of the next session of the Legislature following any such election, transmit to each branch thereof the result of the official canvass of the vote upon said choice and candidates.

Names of all nominated candidates to be submitted at general election.

To be canvassed.

Secretary of State to transmit to Legislature.

SEC. 4. The provisions of this Act shall not apply to the filling of any vacancy in the office of United States Senator which may occur by death, resignation or removal between the date sixty days prior to any general election and the adjournment of the next session of the Legislature.

Not to apply to vacancies after sixty days prior to election.

SEC. 5. No person shall, either in aid of his own candidacy or election, or in aid of the candidacy or election of any other person for the choice of the electors for United States Senator, give, pay, expend or promise any money or reward to any one whomsoever.

No reward to be used in aid of candidate.

An Act reapportioning Senators and Assemblymen of the several counties to the Legislature of the State of Nevada.

Statutes 1909, p. 307.

SECTION 1. The apportionment of Senators and Assemblymen in the several counties of this State shall be as follows: Churchill County, one Senator and two Assemblymen; Clark County, one Senator and two Assemblymen; Douglas County, one Senator and two Assemblymen; Elko County, two Senators and four Assemblymen; Esmeralda County, two Senators and seven Assemblymen; Eureka County, one Senator and two Assemblymen;

Reapportionment of Senators and Assemblymen.

Humboldt County, two Senators and five Assemblymen;
 Lander County, one Senator and two Assemblymen;
 Lincoln County, one Senator and two Assemblymen;
 Lyon County, one Senator and three Assemblymen;
 Nye County, two Senators and seven Assemblymen;
 Ormsby County, one Senator and three Assemblymen;
 Storey County, one Senator and four Assemblymen;
 Washoe County, two Senators and seven Assemblymen;
 White Pine County, two Senators and three Assemblymen.

Not to affect present term. SEC. 2. Nothing in this Act shall be so construed as to affect the term of office of Senators and Assemblymen now in office.

Repeal. SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

[NOTE.—The foregoing bill provides for a Legislature of *seventy-six* members, while the Constitution (Article XV, Section 6) limits the number to seventy-five.]

An Act providing for the election of Road Supervisors, for the subdivision of counties into road districts, and matters properly relating thereto.

Approved March 19, 1901.

Relating to road districts. SECTION 1. The County Commissioners of each county polling at the last general election eighteen hundred votes or over shall, for the purpose of supervision of roads, divide the county into road districts, each appropriately designated.

Road Supervisor to be elected. SEC. 2. At every election of county officers there shall also be elected one Road Supervisor in each road district, whose duty it shall be to supervise all work upon the roads in his district, and to attest to the propriety of all bills for such work, and to direct the expenditure of all sums set apart for his district by the County Commissioners.

Compensation, how fixed. SEC. 3. The compensation of Road Supervisors shall be fixed by the County Commissioners.

Duty of County Commissioners. SEC. 4. On or before the fifteenth day of April, nineteen hundred and one, the County Commissioners shall appoint one Road Supervisor for each road district to serve and hold office until their successors have been elected and installed.

An Act limiting the time in which proceedings for contesting the election of any officer may be begun.

Approved March 25, 1903.

When contest must be commenced for State officers. SECTION 1. Proceedings to contest the election of any State officer must be begun within sixty days after the evidence becomes available upon which the contest is based.

SEC. 2. Proceedings to contest the election of any county officer, or any officer other than a State officer, must be begun

within forty days after the evidence becomes available upon which such contest is based. For county officers.

SEC. 3. Delays arising from any cause tending to prevent the obtaining of evidence upon which a contest is brought shall not cause such contest to fail, but the time provided in this Act shall begin to run only from the day when such evidence may be freely available to the person contesting the election of another, and from and after the passage of this Act. When time begins to run.

SEC. 4. Demands for recounts must be made within sixty days from the day of election, or after the passage of this Act if the recount is to be had of votes cast at the last general election preceding the passage of this Act. When demand for recount must be made.

SEC. 5. This Act shall take effect from and after its passage. Date of effect.

REFERENDUM.

An Act to provide for submitting certain Acts of the Legislature for approval by the qualified electors of the State of Nevada in accordance with the referendum provisions of the Constitution.

Approved March 24, 1909, p. 249.

SECTION 1. Whenever ten per centum or more of the voters of this State, as shown by the number of votes cast at the last preceding general election for Justice of the Supreme Court, shall express their wish that any law or resolution made by the Legislature be submitted to the vote of the people, they shall file with the Secretary of State, not less than four months before the time set for such general election, a petition, which petition shall contain the names and residences of at least ten per centum of the voters of this State, demanding that a referendum vote be had by the people of the State at the next general election upon the bill or resolution on which the referendum is demanded. Relating to referendum provision of Constitution.
Petition.

SEC. 2. The names of the electors so petitioning need not all be upon one petition, but may be contained in one or more petitions; but each petition must be verified by at least one of the voters who has signed such petition, and such voter making such verification must swear that the persons signing said petition are qualified voters of this State. Said petition may be verified upon information and belief. More than one petition.
Verification.

SEC. 3. That upon receipt of said petition by the Secretary of State he shall file the same, and at the next general election shall submit the question of the approval or disapproval of said law or resolution to the people of the State to be voted upon at the next ensuing election wherein any State or Congressional officer is to be voted for, or wherein any question may be voted upon by the electors of the entire State. And the Secretary of State shall certify the said law to the several Secretary of State to certify questions to the County Clerks.

Clerks to
publish same. County Clerks in this State, and they shall publish the same in accordance with the provisions of law requiring the said County Clerks to publish questions and constitutional amendments which are to be submitted for popular vote.

Questions,
how placed
on ballots. SEC. 4. That the title of the Act shall be set out on the ballot, and the question printed upon the ballot for the information of the voter shall be as follows: Shall the Act (setting out the title thereof) be approved? And the votes cast upon such questions shall be counted and canvassed as are the votes for State officers counted and canvassed.

Operation of
referendum. SEC. 5. When a majority of the electors voting at a State election shall by their vote signify approval of a law or resolution, such law or resolution shall stand as the law of the State, and shall not be overruled, annulled, set aside, suspended or in any way made inoperative, except by a direct vote of the people. When a majority shall so signify disapproval, the law or resolution so disapproved shall be void and of no effect.

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VOTERS, TAKE NOTICE!

Before election day read the law.

Secure a sample ballot before going to the polls.

Decide for whom you will vote before going into the booth.

Obtain your ballot from one of the Clerks of Election.

You will be allowed only ten minutes in which to prepare your ballot.

Stamp the cross X after the name for which you vote.

The cross must be made only with the stamp in black ink.

Any writing or other marking will invalidate your ballot.

Fold your ballot before leaving the booth.

See that the water-mark and number are on the outside.

Deliver your ballot, folded, with the stamp, ink and ink-pad to the Inspector, and give your name.

Only one voter can occupy a booth at one time.

A voter physically disabled may have the assistance of another elector in preparing his ballot.

Inability to read or write will not be considered a physical disability.

Drunkenness is not physical disability.

NOTE—The above are respectfully suggested as some of the instructions to be printed in the card of instructions to voters. Sections 27, 28, 29 and 30 of the Australian Ballot Law should be printed on each card.



MAKERS
SYRACUSE, - N.Y.
PAT. JAN 21, 1908

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